

# **Williamson County, Tennessee**

## **Zoning Ordinance Update**



## **Module 2 – Districts and Use Regulations**

*Public Review Draft*

November 2009

# Summary Description of Module 2 of the Draft Williamson County Zoning Ordinance Update

The following pages are the second module of the draft Williamson County Zoning Ordinance. This module comprises the articles that address the zoning districts, use regulations (e.g., use-specific standards, accessory uses, and temporary uses), and nonconformities within the new Zoning Ordinance. Within the major headings of the new articles and sections, we have included parenthetical references to identify whether the section is new (“New”), a rollover from the existing ordinance (“Existing”), or a significant modification of a current provision (“Modified”). We have included section references to the current ordinance wherever possible. In addition to these parenthetical references, we have used footnotes to identify comments related to the draft text that members of the public should consider as they review the new text.

This text has been reviewed, in detail, by the Community Development Department Staff and the County Attorney, and has been reviewed by the Steering Committee tasked with the review of the draft Ordinance. The following text incorporate the revisions made in response to their comments.

The following is a brief summary of the significant changes to the current regulations that you will see in the draft Module 2.

- **Article 10: Zoning Districts** – As stated in the Zoning Ordinance Diagnosis and Annotated Outline document, the new Zoning Ordinance establishes a set of new zoning districts that reflect the recommendations of the Williamson County Comprehensive Land Use Plan while ultimately not changing any property’s current permitted densities or generally permitted uses. One significant change that has been made in this draft Ordinance is the addition of provisions that strongly encourage the development of conservation subdivisions (clustered lots with 50% or more open space) instead of traditional subdivisions (large lots with minimal open space). This was a key recommendation in the Land Use Plan that was carried over into the new Ordinance. Article 10 sets establishes the various zoning districts and sets out the purpose statements and the dimensional standards for each district.
- **Article 11: Use Regulations** – This article establishes the uses permitted within each zoning district, use-specific standards (where applicable), accessory use regulations, and temporary use regulations. The new permitted use table that starts on page 11-3 provides a broader list of uses than exists within the current Ordinance that are supplemented by better definitions and enhanced use-specific standards. The accessory use and temporary use regulations have both been consolidated into singular sections for user-friendliness and enhanced to address ongoing issues related to the various types of accessory and temporary uses.
- **Article 23: Nonconformities** – This is article expands upon the current Division 9900 (Nonconforming Uses). The new article provides enhanced standards for nonconforming uses (i.e., uses that were legally developed under previous Ordinances but that is no longer permitted in the applicable zoning district), nonconforming structures (i.e., a structure where the use is permitted but where the structure does not meet an area or dimensional standard such as setbacks and height), and nonconforming lots (i.e., vacant lots that do not meet minimum lot area and lot width requirements). Furthermore, the new article allows for some expansion of nonconforming structures provided the expansion does not increase the level of nonconformity.
- **Article 25: Definitions** – This is a continuation of the definitions from Module 1. The definitions that are shaded were presented as part of Module 1 while the unshaded definitions relate to this draft of Module 2.

# TABLE OF CONTENTS

<b>Article 10: Zoning Districts .....</b>	<b>10-1</b>
Section 10.01: General Provisions.....	10-1
Section 10.02: Base Zoning Districts .....	10-3
Section 10.03: Overlay District.....	10-16
Section 10.04: Permitted Encroachments into Required Setbacks .....	10-16
Section 10.05: Summary Table of Dimensional Standards .....	10-16
<b>Article 11: Use Regulations .....</b>	<b>11-1</b>
Section 11.01: Use Table .....	11-1
Section 11.02: Use Classifications and Use Categories.....	11-7
Section 11.03: Use-Specific Standards.....	11-18
Section 11.04: Accessory Uses and Structures (Revised Div. 4300) .....	11-58
Section 11.05: Temporary Uses and Structures (Revised Div. 4200) .....	11-66
<b>Article 23: Nonconformities .....</b>	<b>23-1</b>
Section 23.01: Nonconformities Generally.....	23-1
Section 23.02: Nonconforming Uses .....	23-2
Section 23.03: Nonconforming Structures.....	23-4
Section 23.04: Nonconforming Lots .....	23-5
Section 23.05: Nonconforming Signs .....	23-5
<b>Article 25: Definitions.....</b>	<b>25-1</b>
Section 25.01: Purpose .....	25-1
Section 25.02: General Rules for Interpretation .....	25-1
Section 25.03: Rules of Measurement.....	25-2
Section 25.04: Definitions .....	25-5

# Article 10: Zoning Districts

## Section 10.01: General Provisions

### (A) COMPLIANCE WITH DISTRICT STANDARDS (NEW SECTION)

No land within the unincorporated area of the County shall be developed or used except in accordance with the zoning district regulations of this Article and all other applicable regulations of this Ordinance including, but not limited to, Article <>, Use Regulations and Articles <> through <> (Development Standards).

### (B) ESTABLISHMENT OF ZONING DISTRICTS

#### (1) Establishment of Zoning Districts (Combined, Revised Div. 3000 and 3100)

- a) The unincorporated areas of Williamson County, Tennessee are hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the Williamson County Comprehensive Land Use Plan, and to achieve the other purposes of this Ordinance. (See Article I, General Provisions.)
- b) Table 10.01-I sets out the zoning districts established as part of this Ordinance.
- c) For the purpose of this Ordinance, all land and water areas in the County are hereby divided into the zoning districts established in Table 10.01-I. Districts are grouped into base and overlay zoning districts.

TABLE 10.01-I: ZONING DISTRICTS ESTABLISHED <sup>12</sup>	
ABBREVIATION	NEW ZONING DISTRICT NAME
BASE ZONING DISTRICTS	
A	Voluntary Agricultural District
RP-5	Rural Preservation District 5
RD-5	Rural Development District 5
RP-I	Rural Preservation District I
RD-I	Rural Development District I
SIC	Suburban Infill and Conservation
MGA	Municipal Growth Area District
H	Hamlet District
V	Village District
CGV	College Grove Village District <sup>13</sup>
GV	Grassland Village District
LFV	Leiper's Fork Village District
TV	Triune Village District

<sup>12</sup> See Section 1.07 of this draft Ordinance for the translation table between existing zoning districts and the new zoning districts established in this table.

<sup>13</sup> The CGV, GV, LFV, and TV districts are currently serving as placeholders for various village districts until such a time as the special area plan has been completed and recommendations can be incorporated into the district language.

TABLE 10.01-I: ZONING DISTRICTS ESTABLISHED <sup>12</sup>	
ABBREVIATION	NEW ZONING DISTRICT NAME
NC	Neighborhood Conservation District
NCMH	Neighborhood Conservation Manufactured Housing District
840C	840 Center District
	<b>OVERLAY ZONING DISTRICT</b>
AP	Airport Overlay District

**(2) Relationship of Overlay Districts to Base Districts (New Section)**

- a) Where land is classified into an overlay zoning district as well as a base zoning district, the regulations governing development in the overlay zoning district shall apply in addition to the regulations governing the underlying base district.
- b) In the event of an express conflict between the standards of the overlay zoning district and the base zoning district, the standards governing the overlay district shall control.

**(C) ESTABLISHMENT OF ZONING FOR PARCELS DE-ANNEXED BY MUNICIPALITIES OF WILLIAMSON COUNTY (REVISED DIV. 3500)**

Upon notification of a legal de-annexation by any municipality of Williamson County of any parcel, said parcel shall be a part of Williamson County's jurisdiction. In order to assure that this parcel conforms to the Williamson County Comprehensive Land Use Plan, the following zoning provisions shall apply:

- (1) Upon notification of legal de-annexation, said parcel shall be designated a part of the RP-5 zoning district if the parcel is located west of Interstate 65 and designated a part of the RD-5 zoning district if the parcel is located east of Interstate 65.
- (2) No later than 90 days following this notice of legal de-annexation, the Planning Commission shall recommend to the County Commission a zoning classification that conforms to the Williamson County Comprehensive Land Use Plan pursuant to a zoning map amendment procedure (See Section <>.).

## Section 10.02: Base Zoning Districts <sup>14</sup>

### (A) VOLUNTARY AGRICULTURAL DISTRICT (A)

#### (1) Purpose and Intent

- a) The primary purpose of the Voluntary Agricultural District (A) is to provide for areas in the County where the primary use of the land is in support of rural economy uses, with residential uses allowed secondarily in a form and context that is consistent with the general open and rural character of the rural economy uses. Furthermore, it is the intent of this district to protect the agricultural industry of Williamson County by allowing for a broader range of rural economy uses, including traditional and new agricultural uses (agriculture, horticulture and animal husbandry), agriculture support and basic services directly associated with on-going agricultural activities, and low impact non-rural uses that can be developed in ways that are consistent with the rural character of the rural economy uses through mitigation or other standards.
- b) This district is a voluntary district in that only a property owner or an agent, with authorization from the property owner, may submit an application requesting a zoning map amendment to the A district.

#### (2) Dimensional Standards

- a) Table 10.02-I establishes the dimensional standards for the A district.
- b) Additional standards related to accessory uses are located in Section <>, Accessory Uses.

TABLE 10.02-I: DIMENSIONAL STANDARDS FOR THE VOLUNTARY AGRICULTURAL DISTRICT		
DIMENSIONAL STANDARDS	RESIDENTIAL STRUCTURES	NONRESIDENTIAL STRUCTURES
Minimum Lot Area	30 acres	30 acres
Minimum Lot Width	400 feet	400 feet
Front Yard Setback	100 feet	100 feet
Side Yard Setback	50 feet	50 feet
Rear Yard Setback	100 feet	50 feet
Maximum Height	Not Applicable	Not Applicable

<sup>14</sup> All of the districts have been revised to incorporate updated purpose statements and dimensional standards based on discussions related to the current Ordinance and plan recommendations.

**(B) RURAL PRESERVATION DISTRICT-5 (RP-5)**

**(1) Purpose and Intent**

The purpose of the Rural Preservation District-5 (RP-5) is to support and protect the rural character of Williamson County west of I-65 by allowing for a broad range of agricultural, rural, and low-density residential development. It is the intent of this district to continue to promote the agricultural and rural use of land within this district while providing for limited, low-density residential development that is consistent with the conservation design principles emphasized in the Williamson County Comprehensive Land Use Plan.

**(2) Dimensional Standards**

- a) Table 10.02-2 establishes the dimensional standards for the RP-5 district.
- b) Additional standards related to accessory uses are located in Section <>, Accessory Uses.

<b>TABLE 10.02-2: DIMENSIONAL STANDARDS FOR THE RURAL PRESERVATION DISTRICT -5</b>			
<b>DIMENSIONAL STANDARDS</b>		<b>RESIDENTIAL STRUCTURES</b>	<b>NONRESIDENTIAL STRUCTURES</b>
<b>Minimum Lot Area</b>	Traditional Subdivisions	5 acres	5 acres
	Conservation Subdivisions	One acre	
<b>Maximum Gross Residential Density</b>	All Subdivisions	One unit per 5.0 acres	Not Applicable
<b>Minimum Lot Width</b>	Traditional Subdivisions	400 feet <sup>15</sup>	400 feet
	Conservation Subdivisions	100 feet	
<b>Front Yard Setback</b>	Traditional Subdivisions	100 feet	100 feet
	Conservation Subdivisions	50 feet	
<b>Side Yard Setback</b>	Traditional Subdivisions	25 feet	50 feet
	Conservation Subdivisions	20 feet	
<b>Rear Yard Setback</b>	Traditional Subdivisions	50 feet	50 feet
	Conservation Subdivisions	30 feet	
<b>Maximum Height</b>		Not Applicable	Not Applicable

<sup>15</sup> The recommendation for a 400 foot lot width is pursuant to the recommended changes in the Williamson County Comprehensive Land Use Plan.

**(C) RURAL DEVELOPMENT DISTRICT-5 (RD-5)<sup>16</sup>**

**(1) Purpose and Intent**

The purpose of the Rural Development District-5 (RD-5) is to support and protect the rural character and agricultural uses of Williamson County east of I-65 by allowing for a broad range of agricultural, rural, and low-density residential development. It is the intent of this district to continue to promote the agricultural and rural uses of land within this district while providing for limited, low-density residential development that is consistent with the conservation design principles emphasized in the Williamson County Comprehensive Land Use Plan.

**(2) Dimensional Standards**

- a) Table 10.02-3 establishes the dimensional standards for the RD-5 district.
- b) Additional standards related to accessory uses are located in Section <>, Accessory Uses.

<b>TABLE 10.02-3: DIMENSIONAL STANDARDS FOR THE RURAL DEVELOPMENT DISTRICT -5</b>			
<b>DIMENSIONAL STANDARDS</b>		<b>RESIDENTIAL STRUCTURES</b>	<b>NONRESIDENTIAL STRUCTURES</b>
<b>Minimum Lot Area</b>	Traditional Subdivisions	5 acres	5 acres
	Conservation Subdivisions	One acre	
<b>Maximum Gross Residential Density</b>	All Subdivisions	One unit per 5.0 acres	Not Applicable
<b>Minimum Lot Width</b>	Traditional Subdivisions	400 feet <sup>17</sup>	400 feet
	Conservation Subdivisions	100 feet	
<b>Front Yard Setback</b>	Traditional Subdivisions	100 feet	100 feet
	Conservation Subdivisions	50 feet	
<b>Side Yard Setback</b>	Traditional Subdivisions	25 feet	50 feet
	Conservation Subdivisions	20 feet	
<b>Rear Yard Setback</b>	Traditional Subdivisions	50 feet	50 feet
	Conservation Subdivisions	30 feet	
<b>Maximum Height</b>		Not Applicable	Not Applicable

<sup>16</sup> The dimensional standards for the RD-5 versus RP-5 are the same, just as the current R and E districts, however, there are slight use variations in the permitted use table with a focus on preservation in the RP-5 and agricultural development in the RD-5.

<sup>17</sup> The recommendation for a 400 foot lot width is pursuant to the recommended changes in the Williamson County Comprehensive Land Use Plan.

**(D) RURAL PRESERVATION DISTRICT 1 (RP-1)**

**(1) Purpose and Intent**

The purpose of the Rural Preservation District I (RP-I) is to support and protect the rural character of Williamson County west of I-65 but also allow for low-density residential development where appropriate infrastructure is available. Development in the RP-I district should respect the natural resources with a focus on conservation subdivisions as the primary form of residential development emphasized in the Williamson County Comprehensive Land Use Plan.

**(2) Dimensional Standards**

- a) Table 10.02-4 establishes the dimensional standards for the RP-I district.
- b) Additional standards related to accessory uses are located in Section <>, Accessory Uses.

<b>TABLE 10.02-4: DIMENSIONAL STANDARDS FOR THE RURAL PRESERVATION DISTRICT - I</b>			
<b>DIMENSIONAL STANDARDS</b>		<b>RESIDENTIAL STRUCTURES</b>	<b>NONRESIDENTIAL STRUCTURES</b>
<b>Minimum Lot Area</b>	Traditional Subdivisions	One acre	One acre
	Conservation Subdivisions	10,000 square feet	
<b>Maximum Gross Residential Density</b>	All Subdivisions	One unit per acre	Not Applicable
<b>Minimum Lot Width</b>	Traditional Subdivisions	130 feet	130 feet
	Conservation Subdivisions	60 feet	
<b>Front Yard Setback</b>	Traditional Subdivisions	60 feet	60 feet
	Conservation Subdivisions	35 feet	
<b>Side Yard Setback</b>	Traditional Subdivisions	20 feet	35 feet
	Conservation Subdivisions	5 feet	
<b>Rear Yard Setback</b>	Traditional Subdivisions	60 feet	60 feet
	Conservation Subdivisions	30 feet	
<b>Maximum Height</b>		3.0 stories	3.0 stories

**(E) RURAL DEVELOPMENT DISTRICT 1 (RD-1)**

**(1) Purpose and Intent**

The purpose of the Rural Development District I (RD-I) is to support and protect the rural character of Williamson County east of I-65 but also allow for low-density residential development where appropriate infrastructure is available. This district is also intended to support agricultural uses that are more prevalent in the eastern areas of the County. Development in the RD-I district should respect the natural resources with a focus on conservation subdivisions as the primary form of residential development emphasized in the Williamson County Comprehensive Land Use Plan.

**(2) Dimensional Standards**

- a) Table 10.02-5 establishes the dimensional standards for the RD-I District.
- b) Additional standards related to accessory uses are located in Section <>, Accessory Uses.

**TABLE 10.02-5: DIMENSIONAL STANDARDS FOR THE RURAL DEVELOPMENT DISTRICT - I**

DIMENSIONAL STANDARDS		RESIDENTIAL STRUCTURES	NONRESIDENTIAL STRUCTURES
Minimum Lot Area	Traditional Subdivisions	One acre	One acre
	Conservation Subdivisions	10,000 square feet	
Maximum Gross Residential Density	All Subdivisions	One unit per acre	Not Applicable
Minimum Lot Width	Traditional Subdivisions	130 feet	130 feet
	Conservation Subdivisions	60 feet	
Front Yard Setback	Traditional Subdivisions	60 feet	60 feet
	Conservation Subdivisions	35 feet	
Side Yard Setback	Traditional Subdivisions	20 feet	35 feet
	Conservation Subdivisions	5 feet	
Rear Yard Setback	Traditional Subdivisions	60 feet	60 feet
	Conservation Subdivisions	30 feet	
Maximum Height		3.0 stories	3.0 stories

**(F) SUBURBAN INFILL AND CONSERVATION DISTRICT (SIC)****(1) Purpose and Intent**

The purpose of the Suburban Infill and Conservation District (SIC) is to provide for moderate intensity residential and limited commercial development in the Planned Growth Areas 1, 2, and 3 as defined by the Williamson County Growth Plan, adopted April 5, 2001, as amended. The intent of this district is to provide for moderate densities while maintaining a high level of protection for sensitive natural resources and ensuring compatible design with surrounding neighborhoods.

**(2) Dimensional Standards**

- a) Table 10.02-6 establishes the dimensional standards for the SIC District.
- b) Additional standards related to accessory uses are located in Section <>, Accessory Uses.

**TABLE 10.02-6: DIMENSIONAL STANDARDS FOR THE SUBURBAN AND INFILL CONSERVATION DISTRICT**

DIMENSIONAL STANDARDS		RESIDENTIAL STRUCTURES	NONRESIDENTIAL STRUCTURES
Minimum Lot Area	Traditional Subdivisions	One acre	One acre
	Conservation Subdivisions	8,000 square feet [See Section 10.02 (F)(2)(c).]	
Maximum Gross Residential Density	Traditional Subdivisions	1.0 unit per acre	Not Applicable
	Conservation Subdivisions	1.2 units per acre	
Minimum Lot Width	Traditional Subdivisions	130 feet	130 feet
	Conservation Subdivisions	60 feet	
Front Yard Setback	Traditional Subdivisions	60 feet	60 feet
	Conservation Subdivisions	25 feet	
Side Yard Setback	Traditional Subdivisions	20 feet	35 feet
	Conservation Subdivisions	5 feet	
Rear Yard Setback	Traditional Subdivisions	60 feet	60 feet
	Conservation Subdivisions	30 feet	
Maximum Height		3.0 stories	3.0 stories

- c) Up to 15 percent of the total lots may be reduced to 6,000 square feet provided that lots with an area of less than 8,000 square feet shall be located internally within the development where they are surrounded by open space or lots of 8,000 square feet or larger.

**(G) MUNICIPAL GROWTH AREA DISTRICT (MGA)**

**(1) Purpose and Intent**

The purpose of the Municipal Growth Area District (MGA) is for this area to remain largely undeveloped until such a time as the land may be annexed into a municipality. Until such annexation, the municipal growth areas are considered a part of the County's rural landscape and as such, this district is established to protect the rural character of Williamson County by allowing for agricultural, rural, and low-density residential development.

**(2) Dimensional Standards**

- a)** Table 10.02-7 establishes the dimensional standards for the MGA District.
- b)** Additional standards related to accessory uses are located in Section <>, Accessory Uses.

TABLE 10.02-7: DIMENSIONAL STANDARDS FOR THE MUNICIPAL GROWTH AREA DISTRICT		
DIMENSIONAL STANDARDS	RESIDENTIAL STRUCTURES	NONRESIDENTIAL STRUCTURES
Minimum Lot Area	One acre	One acre
Minimum Lot Width	130 feet	130 feet
Front Yard Setback	60 feet	60 feet
Side Yard Setback	20 feet	35 feet
Rear Yard Setback	60 feet	60 feet
Maximum Height	3.0 stories	3.0 stories

## **(H) HAMLET DISTRICT (H)**

### **(1) Purpose and Intent**

The purpose of the Hamlet District (H) is to preserve and enhance the small-scale hamlets of Williamson County, as identified in the Williamson County Comprehensive Land Use Plan. These hamlets are often considered as crossroad communities that are the location of a small number of clustered residential, commercial, and/or institutional uses that are often tied to historic sites or place names. The intent of this district is to preserve and enhance these hamlets through design standards that maintain the traditional form and use of the hamlet.

### **(2) Dimensional Standards**

- a) Table 10.02-8 establishes the dimensional standards for the H District.
- b) Additional standards related to accessory uses are located in Section <>, Accessory Uses.

<b>TABLE 10.02-8: DIMENSIONAL STANDARDS FOR THE HAMLET DISTRICT</b>		
<b>DIMENSIONAL STANDARDS</b>	<b>RESIDENTIAL STRUCTURES</b>	<b>NONRESIDENTIAL STRUCTURES</b>
<b>Minimum Lot Area</b>	20,000 square feet	15,000 square feet
<b>Maximum Gross Residential Density</b>	2.0 units per acre	Not Applicable
<b>Minimum Lot Width</b>	80 feet	80 feet
<b>Front Yard Setback</b>	35 feet	35 feet
<b>Side Yard Setback</b>	15 feet	15 feet
<b>Rear Yard Setback</b>	25 feet	25 feet
<b>Maximum Building Size</b>	Not Applicable	5,000 square feet for commercial and industrial uses
<b>Maximum Height</b>	3.0 stories	3.0 stories

### **(3) Additional District Standards**

In addition to all the generally applicable standards of this Ordinance and Article <>, Development Standards, development within the Hamlet District shall be subject to Section <>, Community Design Standards.

### **(4) Nonresidential Development Contextual Design Standards<sup>18</sup>**

The dimensional standards in Table 10.02-8 may be modified as follows:

#### **a) Lot Area**

- i) The minimum lot area requirement may be reduced if the average lot area of all lots on the same block face within 300 feet of the subject lot is smaller than that required by Table 10.02-8.
- ii) The minimum area shall not be reduced below the average lot areas of all lots on the same block face within 300 feet of the subject lot.

<sup>18</sup> These are some basic contextual design standards that can apply to the basic hamlet district framework. Additionally, we have established basic thresholds for when a hamlet area should be subject to Village district standards.

**b) Lot Width**

- i) The minimum lot width requirement may be reduced if the average lot width of all lots on the same block face within 300 feet of the subject lot is smaller than that required by Table 10.02-8.
- ii) The minimum width shall not be reduced below the average lot widths of all lots on the same block face within 300 feet of the subject lot.

**(5) Maximum Size Limitations**

Development within an individual Hamlet District shall be limited to a maximum size of 50 dwelling units and 20,000 square feet of commercial or industrial building floor area. Once development within the Hamlet District has exceeded either one of these thresholds, the County should consider an application to rezone the area to a Village District.

**(I) VILLAGE DISTRICT (V)<sup>19</sup>**

**(1) Purpose and Intent**

The purpose of the Village District (V) is to preserve and protect the unique and historic small-town character of the villages found in Williamson County as identified in the Williamson County Comprehensive Land Use Plan. These villages are activity centers that serve as focal points in the rural areas of the County and provide for areas of concentrated development of residential, commercial, industrial, and institutional uses. The intent of this district is to protect and enhance existing village areas by allowing for the continuation and limited expansion of those residential and nonresidential uses typically found in the villages in accordance with a set of development standards that ensures new development is compatible with the scale and character of the existing village form.

**(2) Dimensional Standards**

- a) Table 10.02-9 establishes the dimensional standards for the V District that may be modified in accordance with Section <>.
- b) Additional standards related to accessory uses are located in Section <>, Accessory Uses.

**TABLE 10.02-9: DIMENSIONAL STANDARDS FOR THE VILLAGE DISTRICT**

DIMENSIONAL STANDARDS	RESIDENTIAL STRUCTURES	NONRESIDENTIAL STRUCTURES
Minimum Lot Area	15,000 square feet	10,000 square feet
Maximum Gross Residential Density	3.0 units per acre	Not Applicable
Minimum Lot Width	50 feet	50 feet
Front Yard Setback	50 feet	50 feet
Side Yard Setback	15 feet	15 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Size	Not Applicable	10,000 square feet for commercial and industrial uses
Maximum Height	3.5 stories	3.5 stories

**(3) Additional District Standards**

In addition to all the generally applicable standards of this Article and Article <>, Development Standards, development within the Village District shall be subject to Section <>, Community Design Standards.

**(4) Nonresidential Development Contextual Design Standards<sup>20</sup>**

The dimensional standards in Table 10.02-9 may be modified as follows:

<sup>19</sup> The Village district will serve as a foundation district for the development of individualized zoning districts for each village. The County is currently working on a special area plan for the College Grove Village and, upon completion, special standards will be developed and incorporated into the proposed CGV district.

<sup>20</sup> These are some basic contextual design standards that can apply for the basic village district until tailored village districts can be planned and drafted for each of the County's villages.

**a) Lot Area**

- i) The minimum lot area may be reduced if the average lot area of all lots on the same block face within 300 feet of the subject lot is smaller than that required by Table 10.02-9.
- ii) The minimum area shall not be reduced below the average lot areas of all lots on the same block face within 300 feet of the subject lot.

**b) Lot Width**

- i) The minimum lot width requirement may be reduced if the average lot width of all lots on the same block face within 300 feet of the subject lot is smaller than that required by Table 10.02-9.
- ii) The minimum width shall not be reduced below the average lot widths of all lots on the same block face within 300 feet of the subject lot.

**c) Front Yard and Side Yard Setbacks**

- i) The minimum front and side yard setbacks may be reduced if the average front or side yard setbacks of buildings along the same block face and within 300 feet of the subject lot is smaller than that required by Table 10.02-9.
- ii) The minimum front yard and side yard setbacks shall not be reduced below the average front or side yards setbacks of all lots on the same block face within 300 feet of the subject lot.

**d) Building Height and Massing**

- i) No principal building shall be constructed which is more than 10 feet taller than the average height of principal buildings along the block face within 300 feet of the subject lot.
- ii) No principal building shall be constructed where the front facade is more than 50 percent wider or narrower than the average width of principal buildings along the block face and within 300 feet of the subject lot.

**(J) COLLEGE GROVE VILLAGE DISTRICT (CGV)**

PLACEHOLDER

**(K) GRASSLAND VILLAGE DISTRICT (GV)**

PLACEHOLDER

**(L) LEIPER'S FORK VILLAGE DISTRICT (LFV)**

PLACEHOLDER

**(M) TRIUNE VILLAGE DISTRICT (TV)**

PLACEHOLDER

**(N) NEIGHBORHOOD CONSERVATION DISTRICT (NC)<sup>21</sup>****(1) Purpose and Intent**

The purpose of the Neighborhood Conservation District (NC) is to preserve the character of neighborhoods and developments existing, or under construction, at the time of adoption of this Ordinance. This district is designed to prevent these neighborhoods and developments from becoming nonconforming under the terms of this Ordinance. This district is also intended to provide for minor in-filling of existing neighborhoods consistent with the applicable zoning and approval at the time of enactment of this Ordinance. The regulations of this Ordinance permit future development consistent with existing character.

**(2) Dimensional Standards**

- a)** The lot area, lot width, and setbacks of lots within the NC District shall be governed as noted on the recorded final plat of subdivision.
- b)** In cases where such information was not incorporated in the instruments listed above, the Planning Director is authorized to establish minimum standards based upon the smallest lot area, width, or setbacks of all lots on the block face within the same platted subdivision.
- c)** Additional standards related to accessory uses are located in Section <>, Accessory Uses.

**(O) NEIGHBORHOOD CONSERVATION MANUFACTURED HOUSING DISTRICT (NCMH)****(1) Purpose and Intent**

The purpose of the Neighborhood Conservation Manufactured Housing District (NCMH) is to provide locations for manufactured housing including mobile homes and mobile home parks that are distinct from the other residential zoning districts so as to minimize land use conflicts.

**(2) Dimensional Standards**

- a)** The minimum lot area shall be one acre.<sup>22</sup>
- b)** The lot width and setbacks of lots within the NCMH District shall be governed as noted on the recorded final plat of subdivision.
- c)** In cases where such information was not incorporated in the instruments listed above, the Planning Director is authorized to establish minimum standards based upon the smallest lot area, width, or setbacks of all lots on the block face within the same platted subdivision.
- d)** The standards of this Section apply to both residential and nonresidential uses.
- e)** Additional standards related to accessory uses are located in Section <>, Accessory Uses.

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<sup>21</sup> There are only a few NC districts in the County with the intent of the district to protect previously approved plans. For this reason, we have incorporated the text of the existing NC district with minimal changes.

<sup>22</sup> This was the minimum lot area established for the current NCT district that we have renamed the NCMH district.

**(P) 840 CENTER DISTRICT (840C)**

**(1) Purpose**

The purpose of the 840 Center District (840C) is to provide locations for the development of a range of nonresidential and moderate density residential uses while discouraging speculative land development patterns. This district will initially be applied only at the State Route 840 interchange with U.S. Highway 31A/41A (at Triune). It is not anticipated that every SR-840 interchange will be suited to this zoning district, and such district will not be applied to other interchanges until completion of an individual special area plan.

**(2) Dimensional Standards**

- a)** Table 10.02-10 establishes the dimensional standards for the 840C District.
- b)** Additional standards related to accessory uses are located in Section <>, Accessory Uses.

**TABLE 10.02-10: DIMENSIONAL STANDARDS FOR THE 840 CENTER DISTRICT**

DIMENSIONAL STANDARDS		RESIDENTIAL STRUCTURES	NONRESIDENTIAL STRUCTURES
Minimum Lot Area	Traditional Subdivisions	One acre	One acre
	Conservation Subdivisions	8,000 square feet [See Section 10.02 (P)(2)(c).]	
Maximum Gross Residential Density	Traditional Subdivisions	1.0 unit per acre	Not Applicable
	Conservation Subdivisions	1.2 units per acre	
Minimum Lot Width	Traditional Subdivisions	130 feet	100 feet
	Conservation Subdivisions	60 feet	
Front Yard Setback	Traditional Subdivisions	60 feet	60 feet
	Conservation Subdivisions	25 feet	
Side Yard Setback	Traditional Subdivisions	20 feet	30 feet
	Conservation Subdivisions	5 feet	
Rear Yard Setback	Traditional Subdivisions	60 feet	60 feet
	Conservation Subdivisions	30 feet	
Maximum Height		3.0 stories	5.0 stories

- c)** Up to 15 percent of the total lots may be reduced to 6,000 square feet provided that lots with an area of less than 8,000 square feet shall be located internally within the development where they are surrounded by open space or lots of 8,000 square feet or larger.

## **Section 10.03: Overlay District**

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### **(A) AIRPORT OVERLAY DISTRICT (AP)**

#### **(1) Purpose**

The purpose of the Airport Overlay District (AP) is to provide locations where airports may be developed, and to ensure that surrounding land uses are compatible with airport operations.

#### **(2) Dimensional Standards**

Specifications of this district will be established in conjunction with its application to a specific land area.

#### **(3) Development Standards**

Specifications of this district will be established in conjunction with its application to a specific land area.

## **Section 10.04: Permitted Encroachments into Required Setbacks**

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### **(A) The following features may be located within required setbacks:**

- (1)** Sidewalks and landscaping;
- (2)** Clotheslines and uncovered ramps for the handicapped provided they do not violate any other provision of this Ordinance;
- (3)** HVAC units; and
- (4)** Fences and walls, except retaining walls, as allowed in Section <>, Fences and Walls.

### **(B) The following appurtenances are permitted to encroach into required setbacks as provided:**

- (1)** Awnings, canopies, marquees, bay windows, patios, porch stoops, steps, eaves, gutters, sills, belt courses, buttresses, cornices, ornamental features, chimneys, and other similar features as determined by the Planning Director, provided they do not encroach into the setback more than three feet;
- (2)** Driveways as provided in Section <>, Driveway Standards;
- (3)** Retaining walls as permitted in Section <>, Retaining Walls; and
- (4)** Accessory uses and structures as allowed in Section <>, Accessory Uses and Structures.

## **Section 10.05: Summary Table of Dimensional Standards**

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- (A)** Table 10.05-I is a summary table of the dimensional standards established for all the zoning districts established in Section <> through Section <>. Where the standards in this table conflict with those set forth in this Ordinance, the most restrictive standards shall apply.
- (B)** Additional standards related to accessory uses are located in Section <>, Accessory Uses.

**TABLE 10.05-1: SUMMARY TABLE OF DIMENSIONAL STANDARDS**

District	Structure Type	Minimum Lot Area		Maximum Gross Residential Density		Minimum Lot Width		Front Yard Setback		Side Yard Setback		Rear Yard Setback		Maximum Height
		Traditional Subdivisions	Conservation Subdivisions	Traditional Subdivisions	Conservation Subdivisions	Traditional Subdivisions	Conservation Subdivisions	Traditional Subdivisions	Conservation Subdivisions	Traditional Subdivisions	Conservation Subdivisions	Traditional Subdivisions	Conservation Subdivisions	
A	Residential Structures	30 acres		Not Applicable		400 feet		100 feet		100 feet		50 feet		Not Applicable
	Nonresidential Structures	30 acres		Not Applicable		400 feet		100 feet		50 feet		50 feet		Not Applicable
RP-5	Residential Structures	5 acres	One acre	One unit per 5.0 acres		400 feet	100 feet	100 feet	50 feet	25 feet	20 feet	50 feet	30 feet	Not Applicable
	Nonresidential Structures	5 acres		Not Applicable		400 feet		100 feet		50 feet		50 feet		Not Applicable
RD-5	Residential Structures	5 acres	One acre	One unit per 5.0 acres		400 feet	100 feet	100 feet	50 feet	25 feet	20 feet	50 feet	30 feet	Not Applicable
	Nonresidential Structures	5 acres		Not Applicable		400 feet		100 feet		50 feet		50 feet		Not Applicable
RP-1	Residential Structures	One acre	10,000 square feet	One unit per acre		130 feet	60 feet	60 feet	35 feet	20 feet	5 feet	60 feet	30 feet	3.0 stories
	Nonresidential Structures	One acre		Not Applicable		130 feet		60 feet		35 feet		60 feet		3.0 stories
RD-1	Residential Structures	One acre	10,000 square feet	One unit per acre		130 feet	60 feet	60 feet	35 feet	20 feet	5 feet	60 feet	30 feet	3.0 stories
	Nonresidential Structures	One acre		Not Applicable		130 feet		60 feet		35 feet		60 feet		3.0 stories
SIC	Residential Structures	One acre	8,000 square feet [1]	1.0 unit per acre	1.2 units per acre	130 feet	60 feet	60 feet	25 feet	20 feet	5 feet	60 feet	30 feet	3.0 stories
	Nonresidential Structures	One acre		Not Applicable		130 feet		60 feet		35 feet		60 feet		3.0 stories
MGA	Residential Structures	One acre		Not Applicable		130 feet		60 feet		20 feet		60 feet		3.0 stories
	Nonresidential Structures	One acre		Not Applicable		130 feet		60 feet		35 feet		60 feet		3.0 stories
H [2]	Residential Structures	20,000 square feet		2.0 units per acre		80 feet		35 feet		15 feet		25 feet		3.0 stories
	Nonresidential Structures	15,000 square feet		Not Applicable		80 feet		35 feet		15 feet		25 feet		3.0 stories
V [3]	Residential Structures	15,000 square feet		3.0 units per acre		50 feet		50 feet		15 feet		30 feet		3.5 stories
	Nonresidential Structures	10,000 square feet		Not Applicable		50 feet		50 feet		15 feet		30 feet		3.5 stories
NC	See Section <>.													
NCMH	See Section <>.													
840C	Residential Structures	One acre	8,000 square feet [1]	1.0 unit per acre	1.2 units per acre	130 feet	60 feet	60 feet	25 feet	20 feet	5 feet	60 feet	30 feet	3.0 stories
	Nonresidential Structures	One acre		Not Applicable		100 feet		60 feet		30 feet		60 feet		5.0 stories

NOTES:

[1] Up to 15 percent of the total lots may be reduced to 6,000 square feet in compliance Section 10.02 (F)(2)(c) or Section 10.02 (P)(2)(c), as applicable.

[2] See also Section <>. (Contextual Standards)

[3] See also Section <>. (Contextual Standards)

# Article 11: Use Regulations

## Section 11.01: Use Table

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### (A) EXPLANATION OF USE TABLE STRUCTURE

#### (1) General

Table 11.01-I, lists the principal uses allowed within each of the zoning districts.

#### (2) Organization of Uses

The use table organizes allowable uses by use classifications, use categories, and use types. The use table and Section <>, Use Classifications and Use Categories together provide a systematic basis for identifying and consolidating or distinguishing unidentified land uses to determine whether a particular land use is allowable in a particular zoning district and in addressing future land uses.

##### a) Use Classifications

The use classifications identify broad general classifications of land uses and include agricultural uses, residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general “use categories” and specific “use types.”

##### b) Use Categories

The use categories describe the major sub-groups of the respective use classifications, and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types.

##### c) Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, single-family dwellings, multi-family dwellings, conservation subdivisions, traditional subdivisions, retirement communities, and mobile homes are use types in the Household Living Use Category.

##### d) Use Categories and Use Types Defined

All the Use Categories and Use Types listed in Table 11.01-I are defined in Article <> (Definitions).

### (B) SYMBOLS IN TABLE<sup>23</sup>

The symbols used in the use table are defined as follows:

#### (1) Permitted Uses (P)

A “P” indicates that a use type is allowed by-right in the respective zoning district subject to compliance with any use-specific standards set forth in the final “additional requirements” column of

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<sup>23</sup> We used the County’s use table as a start for the proposed use table and expanded and better defined some of the current list of uses (e.g., indoor institutional and outdoor institutional).

Table 11.01-I. Permitted uses are subject to all other applicable standards of this Ordinance, including but not limited to those set forth in Article <>, Zoning Districts, Articles <> through <>, (Development Standards), and Article <>, Wastewater Regulations.

**(2) Special Uses (S)**

A “S” indicates that a use type is allowed as a Special Use in the respective zoning district subject to compliance with the use-specific standards set forth in the final “additional requirements” column of Table 11.01-I and approval of as a Special Use in accordance with Section <>. Special Uses are subject to all other applicable standards of this Ordinance, including but not limited to those set forth in Article <>, Zoning Districts, Articles <> through <>, (Development Standards), and Article <>, Wastewater Regulations.

**(3) Use Restricted or Prohibited by Overlay Zoning District**

Regardless of whether the use table identifies a particular use type as a permitted use or Special Use in a zoning district, or references additional requirements for the use type, the use type may be restricted or prohibited, or subject to more restrictive additional requirements, in accordance with applicable overlay district provisions in Section <>, Overlay Zoning Districts.

**(4) Prohibited Uses (Blank Cells)**

A blank cell in the table indicates that the listed use type is prohibited in the respective zoning district.

**(5) Use-Specific Standards**

When a particular use category or use type is permitted in a zoning district, there may be additional regulations that are applicable to a specific use. The existence of these use-specific standards is noted through a section reference in the last column of the use table titled “Additional Requirements.” References refer to Section <>, Use-Specific Standards. These standards shall apply to a particular use regardless of the zoning district where it is proposed unless otherwise specified.

**(6) Unlisted Uses**

If an application is submitted for a use that is not listed in Table 11.01-I, the Planning Director is authorized to classify the new or unlisted use into an existing use type that most closely fits the new or unlisted use. The Planning Director may prepare an application for an amendment to the text of this Ordinance to clarify where and how the use should be permitted.

**(C) USE TABLE**

**TABLE 11.01-I: TABLE OF ALLOWED USES****P = PERMITTED****S = SPECIAL USE****BLANK CELL = PROHIBITED**

USE CATEGORY	USE TYPE	A	RP-5	RD-5	V	H	CGV	GV	LFV	TV	RP-1	RD-1	SIC	MGA	NC	NCMH	AP	840C	ADDITIONAL REQUIREMENTS
<b>AGRICULTURAL USE CLASSIFICATION<sup>24</sup></b>																			
Agriculture	Agricultural <sup>25</sup>	P	P	P	P	P					P	P	P	P	P	P	P	P	
	Agricultural Direct Market Businesses	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.03:(A)(1)
	Nurseries	P	P	P	P	P					P	P	P	P			P	P	Section 11.03:(A)(2)
Agricultural Support and Services	Agri-Tourism and Education	P	P	P	S	S					P	P					P		Section 11.03:(A)(3)
	Equestrian Facilities	P	P	P	S	S					S	S	S	S			P		Section 11.03:(A)(4)
	Farm Wineries	P	P	P	P	P					P	P	P	P			P	P	Section 11.03:(A)(5)
<b>RESIDENTIAL USE CLASSIFICATION</b>																			
Household Living	Congregate Independent Living Centers																	S	Section 11.03:(B)(1)
	Conservation Subdivisions	P	P	P							P	P	P					P	Section 11.03:(B)(2)
	Mobile Homes	P		P													P		Section 11.03:(B)(3)
	Mobile Home Parks																P		Section 11.03:(B)(4)
	Multi-Family Dwellings				S	S							S					S	Section 11.03:(B)(5)
	Retirement Communities				S													S	Section 11.03:(B)(6)
	Single-Family Dwellings on Parcels of Record	P	P	P	P	P					P	P	P	P	P	P		P	
	Traditional Subdivisions - Major		S	S	P	P					S	S	S	P	P	P		S	Section 11.03:(B)(7)
	Traditional Subdivisions - Minor	P	P	P	P	P					P	P	P	P	P	P		P	
Group Living	Congregate Assisted Living Centers																	S	Section 11.03:(B)(8)
	Institutional Single-Family Homes (1-8 Residents) <sup>26</sup>	P	P	P	P	P					P	P	P	P	P	P		P	

<sup>24</sup> We have deleted "selective cutting" and "clear cutting" as a use as these will be addressed in the new tree preservation standards that will require a Zoning Certificate prior to the removal of certain trees and/or clear cutting.

<sup>25</sup> As noted in the first section of Article 11, we have read Section 13-7-114 of the TCA to mean that counties do not have the authority to regulate agricultural uses. For this reason, we eliminated the "intensive agricultural use."

<sup>26</sup> The TCA classifies homes used for 1-8 "unrelated mentally retarded, mentally handicapped, or physically handicapped persons" (TCA 13-24-102) as single-family residences, presumably subject to those laws applicable to single-family housing. For this reason, we have made a distinction in that type of group housing with the "Institutional Single-Family Home" permitted where other single-family dwellings are permitted.

**TABLE 11.01-I: TABLE OF ALLOWED USES****P = PERMITTED      S = SPECIAL USE      BLANK CELL = PROHIBITED**

USE CATEGORY	USE TYPE	A	RP-5	RD-5	V	H	CGV	GV	LFV	TV	RP-I	RD-I	SIC	MGA	NC	NCMH	AP	840C	ADDITIONAL REQUIREMENTS
	Residential Institutional (1-8 Residents)	S	S	S														S	Section 11.03:(B)(9)
	Residential Institutional (9 or More Residents)				S													S	Section 11.03:(B)(10)
	Skilled Nursing Facilities																	S	Section 11.03:(B)(11)
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																			
Day Care	Day Care Centers				P	P												P	Section 11.03:(C)(1)
Educational Facilities	Educational Facilities		P	P	P	P					P	P	P	P	P			P	Section 11.03:(C)(2)
	Educational Facilities, Higher		P	P														P	Section 11.03:(C)(3)
Government Facilities	Government Maintenance, Storage, or Distributional Facilities	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.03:(C)(4)
	Government Offices				P	P					P	P	P	P	P	P	P	P	
	Public Safety Services	P	P	P	P	P					P	P	P	P	P	P	P	P	
Health Care Facilities	Hospitals																	S	Section 11.03:(C)(5)
	Medical or Dental Clinics				P	P												P	
	Outpatient Facilities				P	P												P	
Institutions	Clubs or Lodges				P	P											P	P	
	Cultural Institutions				P	P											P	P	Section 11.03:(C)(6)
	Religious Institutions		P	P	P	P					P	P	P	P	P	P	P	P	Section 11.03:(C)(7)
Parks and Open Areas	Commercial Cemeteries										S	S	S	S			S	S	Section 11.03:(C)(8)
	Park or General Open Space <sup>27</sup>	P	P	P	P	P					P	P	P	P	P	P	P	P	
Transportation and Utilities	Airports, Landing Strips, and Heliports, Private	S	S	S															Section 11.03:(C)(9)
	Airports, Landing Strips, and Heliports, Public																S		Section 11.03:(C)(10)
	Utilities	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.03:(C)(11)
	Wireless Telecommunication Facilities	Permitted or Special Use as Established in Section <>																	Section 11.03:(C)(12)
COMMERCIAL USE CLASSIFICATION																			

<sup>27</sup> "Parks and Open Space" are currently called "Outdoor Institutional" in the existing Ordinance.

**TABLE 11.01-I: TABLE OF ALLOWED USES****P = PERMITTED****S = SPECIAL USE****BLANK CELL = PROHIBITED**

USE CATEGORY	USE TYPE	A	RP-5	RD-5	V	H	CGV	GV	LFV	TV	RP-1	RD-1	SIC	MGA	NC	NCMH	AP	840C	ADDITIONAL REQUIREMENTS
Adult Entertainment	Adult-Oriented Establishments																	S	Section 11.03:(D)(1)
Animal Care	Animal Boarding Facilities	P	S	S														S	Section 11.03:(D)(2)
	Animal Hospitals or Veterinarian Clinics or Animal Grooming	P	P	P	P	P												P	
	Animal Hospitals or Veterinarian Clinics with Animal Boarding		S	S													P	S	Section 11.03:(D)(3)
Conference or Training Center	Conference Centers				S													S	Section 11.03:(D)(4)
	Rural Retreats – Extensive	P	P	P							P	P		P					Section 11.03:(D)(5)
	Rural Retreats – Limited	P	P	P	P	P					P	P		P					Section 11.03:(D)(6)
Eating and Drinking Establishments	Bars or Taverns				P	P											P	P	
	Drive-In Restaurants																	P	
	Restaurants				P	P											P	P	
	Specialty Eating or Drinking Establishment				P	P											P	P	
Offices	Offices				P	P											P	P	
Recreation/ Entertainment	Golf Courses	P	P	P	P	P					P	P	P	P	P		P	P	
	Golf Driving Ranges	P	P	P	P	P					P	P	P	P	P		P	P	
	Private Recreational Centers		P	P	P	P					P	P	P	P	P	P		P	Section 11.03:(D)(7)
	Recreational and Athletic Facilities, Indoor				P													P	Section 11.03:(D)(8)
	Recreational and Athletic Facilities, Outdoor		S	S	S	S					S	S				P	P	S	Section 11.03:(D)(9)
	Stadiums and Arenas																	S	Section 11.03:(D)(10)
Retail Sales and Services	Bank or Financial Institutions				P	P												P	
	Funeral Homes				S													S	
	Convenience Stores without Gasoline Sales				P	P												P	
	Convenience Stores with Gasoline Sales				P	P												P	Section 11.03:(D)(11)
	Entertainment Establishments				S	S												S	

**TABLE 11.01-I: TABLE OF ALLOWED USES****P = PERMITTED      S = SPECIAL USE      BLANK CELL = PROHIBITED**

USE CATEGORY	USE TYPE	A	RP-5	RD-5	V	H	CGV	GV	LFV	TV	RP-1	RD-1	SIC	MGA	NC	NCMH	AP	840C	ADDITIONAL REQUIREMENTS
	Mixed Use Developments				S	S												S	Section 11.03:(D)(12)
	Liquor Store				S	S												S	
	Grocery Store				P	P												P	
	Personal Service Establishments				P	P												P	
	Retail Sales and Service, Extensive				S	S											P	S	Section 11.03:(D)(13)
	Retail Sales and Service, General				P	P											P	P	
Self-Service Storage	Self-Service Storage				S	S											P	S	Section 11.03:(D)(14)
Vehicle/Machinery Sales and Service	Automotive and Machinery Repair				S	S												P	Section 11.03:(D)(15)
	Automotive and Machinery Rental or Sales																P	P	
	Vehicle Washing Establishment				P													P	
	Truck Stops																	S	Section 11.03:(D)(16)
Visitor Accommodations	Bed and Breakfast Establishments	P	P	P	P	P					S	S	S					S	Section 11.03:(D)(17)
	Hotels				S													S	
<b>INDUSTRIAL USE CLASSIFICATION</b>																			
Extractive Industry	Rock Quarries		S	S														S	Section 11.03:(E)(1)
	Mining Operations		S	S														S	Section 11.03:(E)(1)
Industrial Uses	General Industrial Services				S	S											P	P	
	Light Industrial Uses				S	S											P	P	Section 11.03:(E)(2)
	Heavy Industrial Uses																S	S	Section 11.03:(E)(3)
	Research and Development Facilities																P	P	
	Warehouses					S											P	P	
Waste Related Services	Landfills, Private		S	S													S		Section 11.03:(E)(4)
	Nontraditional Sewage Treatment and Disposal Systems - Residential		P	P							P	P	P						Section 11.03:(E)(5)
	Nontraditional Sewage Treatment and Disposal Systems – Nonresidential	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.03:(E)(6)

TABLE 11.01-I: TABLE OF ALLOWED USES																		
			P = PERMITTED					S = SPECIAL USE				BLANK CELL = PROHIBITED						
USE CATEGORY	USE TYPE	A	RP-5	RD-5	V	H	CGV	GV	LFV	TV	RP-I	RD-I	SIC	MGA	NC	NCMH	AP	840C
	Recycling Drop-Off and Other Drop-Off Centers		P	P	P	P					P	P	P	P			P	P
	Recycling Centers					S											S	S
	Salvage Centers					S											S	S
	Trash Compaction and Transfer Stations																S	S

## Section 11.02: Use Classifications and Use Categories

### (A) GENERAL

#### (1) Purpose

This Section is intended to provide a systematic framework for identifying, describing, categorizing, and consolidating or distinguishing land uses in a way that makes it easier to determine how a particular land use activity, or combination of activities, is to be considered in applying the use table and other provisions of this Ordinance. This Section is also intended to provide support in addressing unlisted uses pursuant to Section <>, Unlisted Uses.

#### (2) Structure of this Section

##### a) General

This Section identifies each of the five use classifications in Table 11.01-I and includes a section under each use classification identifying each use category. There are “characteristics” and “examples” subsections under each use category (individual use types are defined in Article <>, Definitions).

##### b) Principal Use Characteristics and Accessory Uses

The “characteristics” subsection describes common characteristics of each use category. Principal uses are assigned to the use category that most closely describes the nature of the principal use. Also listed are examples of common accessory uses that, unless otherwise stated in this Ordinance, are allowed in conjunction with a principal use.

##### c) Examples

The “examples” subsection lists common examples of use types included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “wholesale sales,” but sells mostly to consumers, is included in the Retail Sales and Service Use Category

rather than the Wholesale Sales Use Category. This is because the activity on the site matches the characteristics of the Retail Sales and Service Use Category.

**(3) Developments with Multiple Principal Uses**

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the Retail Sales and Service Use Category because all of the development's principal uses are in that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.

**(4) Interpretation of Unlisted Uses**

The procedure and standards for interpreting a use not listed in Table 11.01-I, Table of Allowed Uses, shall be as established in Section <>, Interpretation Related to Use.

**(B) AGRICULTURAL USE CLASSIFICATION**

**(1) Agriculture Use Category**

**a) Characteristics**

The Agriculture Use Category is characterized by activities related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, poultry, swine, and other animals for food or other marketable products. The Agriculture Use Category also includes silvicultural activities related to the planting, management, protection, and harvesting of trees for timber or other forest products, as well as the breeding, raising, and keeping of equine. Accessory uses may include offices, storage areas, barns, stables, irrigation systems, agricultural processing for on-site uses, and repair facilities related to the applicable agricultural and silvicultural activities.

**b) Examples**

Example use types include farms (arable, dairy, cattle, hog, poultry, sheep), fish farms, fish hatchery operations, orchards, vineyards, plant nurseries, timber forests, and horse farms.

**(2) Agricultural Support and Services Use Category**

**a) Characteristics**

The Agricultural Support and Services Use Category is characterized by use types that provide support and services to agricultural activities, whether located on- or off-site where the agricultural activities take place.

**b) Examples**

Example use types include agricultural processing for on-site uses, agri-education, agri-entertainment, farm wineries, feedlots, agricultural research facilities, and equestrian facilities.

**(C) RESIDENTIAL USE CLASSIFICATION**

**(1) Household Living Use Category**

**a) Characteristics**

- i) The Household Living Use Category is characterized by use types that provide for the residential occupancy of a dwelling unit by a household. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations and residential businesses are accessory uses that are subject to additional regulations (See Section <>, Accessory Uses and Structures.).
- ii) For the purposes of this Ordinance, single-family dwellings may be located on existing parcels of record or in either a conservation or traditional subdivision.

**b) Examples**

Example use types include detached residential dwellings (e.g., single-family dwellings, manufactured homes, and other structures with self-contained dwelling units), attached residential dwellings (e.g., multi-family dwellings and congregate independent living centers), and retirement communities.

**(2) Group Living Use Category**

**a) Characteristics**

The Group Living Use Category is characterized by use types that provide for the residential occupancy of a structure by a group of people who are not part of an individual housekeeping unit and where the particular use type does not meet the definition of any use type categorized under the Household Living Use Category. The size of the group may be larger than the average size of a household. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment. Common accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.

**b) Examples**

Example use types include group homes, nursing homes, assisted living, halfway houses, and dormitories.

**(D) PUBLIC AND INSTITUTIONAL USE CLASSIFICATION**

**(1) Day Care Use Category**

**a) Characteristics**

The Day Care Use Category is characterized by use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking. This use includes both stand-alone facilities and those that meet the description but are housed within a religious institution or educational facility.

**b) Examples**

Example use types include adult day care centers and child day care centers.

**c) Exceptions**

The Day Care Use Category does not include temporary day care provided in connection with employment or commercial uses, recreational facilities, religious institutions, hotels, or other principal uses, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity.

**(2) Educational Facilities Use Category**

**a) Characteristics**

The Educational Facilities Use Category is characterized by use types such as public and private schools at the elementary, middle, or high school level that provide state-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities include offices, dormitories, food service, laboratories, health and sports facilities, theaters, meeting areas, athletic fields, parking, maintenance facilities, and on-campus supporting commercial.

**b) Examples**

Example use types include public and private kindergarten schools, elementary schools, middle or junior high schools, and senior high schools that provide state-mandated basic education, as well as colleges or universities, and vocational or trade schools.

**(3) Government Facilities Use Category**

**a) Characteristics**

The Government Facilities Use Category is characterized by use types that provide for the general operations and functions of Local, State, or Federal governments. Accessory uses include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

**b) Examples**

Example use types include post offices, government offices, police stations, fire stations, and government maintenance, storage, and distribution facilities.

**c) Exceptions**

- i) Airports, utilities, and surface transportation are classified under the Transportation and Utilities Use Category.
- ii) Municipal, County, and State parks are classified under the Parks and Open Areas Use Category.
- iii) Water, wastewater, gas, cable, telephone, electric, and other infrastructure services, whether public or private, are classified under the Utilities Use Category.

**(4) Health Care Facilities Use Category**

**a) Characteristics**

The Health Care Facilities Use Category is characterized by use types that provide medical or surgical care and treatment to patients as well as laboratory services. Hospitals and medical treatment facilities offer overnight care, as well as outpatient care. Accessory uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.

**b) Examples**

Example use types include hospitals, medical and dental clinics, outpatient facilities, medical and dental labs, medical treatment facilities, drug and alcohol treatment facilities, and blood/tissue collection facilities.

**c) Exceptions**

- i) Uses that involve the provision of residential care for the elderly or disabled are classified under the Group Living Use Category.
- ii) Uses related to the care of animals are classified under the Animal Care Use Category.

**(5) Institutions Use Category**

**a) Characteristics**

The Institutions Use Category is characterized by use types that provide a variety of facilities, including buildings that provide meeting areas for religious activities, civic or fraternal club activities, convention centers or auditoriums, or institutions for preserving a community's culture and heritage. Accessory uses include kitchens/cafeterias, recreation areas, offices, meeting rooms, parking, and staff residences.

**b) Examples**

Example use types include cultural facilities, libraries, museums, religious institutions (with cemeteries, columbaria, and mausoleums as accessory uses), private clubs, and lodges.

**c) Exceptions**

- i) Parks are classified under the Parks and Open Areas Use Category.
- ii) Convention centers and rural retreats are classified under the Conference or Training Center Use Category.

**(6) Parks and Open Areas Use Category**

**a) Characteristics**

The Parks and Open Areas Use Category is characterized by use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation, and that tend to have few structures. Accessory uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as accessory to cemeteries).

**b) Examples**

Example use types include arboretums or botanical gardens, greenways, athletic fields, parks, public squares or plazas, and commercial cemeteries.

**(7) Transportation and Utilities Use Category**

**a) Characteristics**

The Transportation and Utilities Use Category is characterized by use types that provide for the landing and takeoff of airplanes and helicopters, including loading and unloading areas. This use category also includes utilities and infrastructure that provide regional or community-wide service. Accessory uses include concessions, offices, parking, maintenance, equipment shelters, and fueling facilities.

**b) Examples**

- i) Examples of transportation use types include airports, landing fields, runways, and helicopter pads.
- ii) Examples of utilities include wastewater treatment plants, water towers, water and sewage pump stations, potable water treatment plants, electrical substations, and ground-based electrical/telephone/cable. This use category also includes wireless telecommunications towers (free-standing, co-located, and roof-mounted) that include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.

**c) Exceptions**

Nontraditional Sewage Treatment and Disposal Systems are considered Waste-Related Services (Industrial Use Classification).

**(E) COMMERCIAL USE CLASSIFICATION**

**(1) Adult Entertainment Use Category**

**a) Characteristics**

The Adult Entertainment Use Category is characterized by use types that sell, distribute, or present material or feature performances or other activities that emphasize the depiction or display of specified sexual activities or specified anatomical areas, as referenced in the Tennessee Code Annotated.

**b) Examples**

Example use types include adult book stores, adult video stores, adult arcades, and adult motion picture theaters (all distinguished by being largely devoted to selling, renting, or presenting media emphasizing sexually explicit content), as well as adult motels/hotels (motels/hotels largely devoted to providing room occupants films or other visual representations emphasizing sexually explicit content), and adult cabarets or night clubs (featuring live performances or services emphasizing the display of specified sexual activities or specified anatomical areas).

**(2) Animal Care Use Category**

**a) Characteristics**

- i) The Animal Care Use Category is characterized by use types related to the provision of medical services and general care.
- ii) Boarding services for domestic animals are also included in this category.

**b) Examples**

Example use types include animal shelters, animal grooming, kennels (outdoor and indoor), and veterinary clinics.

**(3) Conference and Training Centers Use Category**

**a) Characteristics**

The Conference and Training Center Use Category is characterized by facilities used for business, professional, spiritual, and other conferences, seminars, and training programs.

**b) Examples**

Example use types include rural retreats and conference centers.

**(4) Eating and Drinking Establishments Use Category**

**a) Characteristics**

The Eating and Drinking Establishments Use Category is characterized by use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.

**b) Examples**

Examples include restaurants with indoor and outdoor seating, restaurants with drive-through service, bars and taverns, and specialty eating establishments (e.g., ice cream parlors, bakery shops, dessert shops, juice, or coffee houses).

**(5) Offices Use Category**

**a) Characteristics**

The Offices Use Category is characterized by use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.

**b) Examples**

Example use types include business services, professional services (such as lawyers, accountants, engineers, or architects), financial services (such as lenders, banks, brokerage houses, tax preparers), and sales offices (including real estate agents).

**c) Exceptions**

- i) Offices that are part of and located within a principal use in another use category are considered accessory to the establishment's primary activity.
- ii) Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.
- iii) Government offices are classified as Government Facilities.
- iv) Medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Health Care Facilities.
- v) Financial institutions offering drive-through or walk-up service to patrons (branch banks or credit unions) are classified as Retail Sales and Services.

**(6) Recreation/Entertainment Use Category**

**a) Characteristics**

The Recreation/Entertainment Use Category is characterized by use types that are privately owned and provide recreation or entertainment activities either outdoors or indoors. Accessory uses may include offices, concessions, snack bars, parking, and maintenance facilities.

**b) Examples**

- i) Example use types that are primarily indoors include country clubs, indoor commercial recreation uses (including fitness centers, bowling alleys, game rooms, shooting ranges, dancehalls, skating rinks, indoor swimming pools, racquetball and squash courts, and indoor tennis club facilities).
- ii) Example use types that are primarily outdoors include privately-owned arenas, amphitheaters, or stadiums, and outdoor commercial recreation uses (including private golf driving ranges and privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; drive-in movie theaters; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; campgrounds; and privately-owned active sports facilities such as ball fields, courts, and archery ranges), private golf courses, and outdoor swimming pools (private or non-profit).

**c) Exceptions**

- i) Banquet halls that are part of hotels (classified under the Visitor Accommodation Use Category) or restaurants (classified under the Eating Establishments Use Category) are accessory to those uses.
- ii) Private clubs or lodges are classified as Institutions.
- iii) Recreational facilities that are reserved for use by residents of particular residential developments and their guests are accessory to those residential use types.
- iv) Publicly owned golf courses, tennis courts, swimming pools, basketball courts, ball fields, amphitheaters, and other similar outdoor recreational or entertainment-oriented facilities are classified under the Parks and Open Areas Use Category.

**(7) Retail Sales and Services Use Category**

**a) Characteristics**

The Retail Sales and Services Use Category is characterized by use types involved in the sale, lease, or rental of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, and parking. Use types within this use category have been categorized based on their intensity, scale, and function.

**b) Examples**

Example use types include gasoline sales, establishments meeting frequent or recurrent service needs of a personal nature, including financial institutions with drive-through or walk-up services to patrons, laundromats, laundry and dry-cleaning drop-off establishments, photography studios, mailing or packaging services, photocopy and blueprint services, hair salons and barber/beauty shops, day spas, dance or music instruction, martial arts classes, taxidermists, funeral homes, and theaters (including cinemas, screening rooms, and stages). The Retail Sales and Services Use Category also includes general retail sales, and uses primarily engaged in the repair of small items (e.g., TVs, bicycles, clocks, and watches).

**c) Exceptions**

- i) Contractors and others who perform services off-site but maintain office space on-site are classified under the Offices Use Category. Those contractors and others whose equipment and materials are stored on-site and/or who fabricate, service, or perform similar work on the site are classified under Industrial Uses Use Category.
- ii) Bakeries, dinner theaters, or entertainment establishments primarily engaged in the sale of food for on-site consumption are classified under the Eating and Drinking Establishments Use Category.
- iii) Uses providing financial, professional, or business services by appointment or with only limited contact with the general public are classified under the Offices Use Category.
- iv) Uses that involve the sales, distribution, or presentation of materials or activities emphasizing sexually explicit content are classified under the Adult Entertainment Use Category.

**(8) Self-Service Storage Use Category**

**a) Characteristics**

The Self-Service Storage Use Category is characterized by use types that provide individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and campers, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to Self-Service Storage. The rental of trucks or equipment is also not considered accessory to the use.

**b) Examples**

Example use types include self-service storage establishments, also called “mini-warehouses.”

**c) Exceptions**

A transfer and storage business, where there are not individual storage areas, or where employees are the primary movers of property being stored or transferred, is classified under the Industrial Uses Use Category.

**(9) Vehicle/Machinery Sales and Services Use Category**

**a) Characteristics**

The Vehicle/Machinery Sales and Services Use Category is characterized by the direct sale and/or service of passenger vehicles, trucks, motorcycles, farm machinery, and other consumer motor vehicles intended for transport of goods or persons over land, water, or in the air; whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display and sales, and vehicle storage.

**b) Examples**

Examples include rental and sales of automobiles, recreational vehicles, boats, motorcycles, off-road vehicles, farm machinery, and aircraft; automobile, aircraft and marine repair and servicing; automobile wash and detail shops; transmission or muffler shops; towing service; tire sales and mounting; taxicab service; or truck or trailer rental.

**c) Exceptions**

Storage of inoperable vehicles or parts is classified under the Waste Related Services Use Category.

**(10) Visitor Accommodations**

**a) Characteristics**

The Visitor Accommodations Use Category is characterized by use types that provide lodging units or space for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.

**b) Examples**

Example use types include hotels and bed and breakfast establishments.

**(F) INDUSTRIAL USE CLASSIFICATION**

**(1) Extractive Industry Use Category**

**a) Characteristics**

The Extractive Industry Use Category is characterized by use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation (excluding water wells), mining, or other procedures typically done at an extraction site. Accessory uses include offices, limited wholesale sales, security or caretaker's quarters, outdoor storage, and maintenance facilities.

**b) Examples**

Example use types include quarries, general mining, sand, and gravel extraction operations.

## **(2) Industrial Uses Use Category**

### **a) Characteristics**

The Industrial Uses Use Category is characterized by use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Use types also may include those uses that involve the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.

### **b) Examples**

Example use types include industrial services, research facilities, laboratories, manufacturing plants, and warehousing. Additional examples of general industrial services, heavy industrial, and light industrial uses are provided below.

#### **i) General Industrial Services**

Example use types include: machine shops; production or repair of small machines, electronic parts, and equipment; tool repair; production of precision items and other electrical items; research, development, and testing facilities and laboratories electric motor repair; manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses.

#### **ii) Heavy Industrial**

Example use types of heavy industrial include, but are not limited to: the manufacture or assembly of textiles, machinery, equipment, instruments, vehicles, and appliances; rendering; concrete production; asphalt plants; glass and plastic production; cardboard fabrication; and petroleum refining.

#### **iii) Light Industrial**

Example use types of light industrial include: sewing or assembly of textiles into consumer products; woodworking and cabinet building; publishing and lithography; computer design and development; production of communications equipment; sign making; assembly of pre-fabricated parts; preparation, packing, or baking of food products; and building, heating, plumbing, landscaping or electrical contractors.

**c) Exceptions**

- i) Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored on site, and no fabrication, services, or similar work is carried on at the site."
- ii) Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Services if the manufacturing area does not exceed 35 percent of the development's gross floor area.

**(3) Waste Related Services Use Category**

**a) Characteristics**

The Waste-Related Services Use Category is characterized by use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that collect and process or distribute recycled and/or salvaged materials. Accessory uses may include offices, outdoor storage, and repackaging and trans-shipment of by-products.

**b) Examples**

Example Use Types include recycling and salvage centers, landspreading of waste, sanitary landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage centers, hazardous waste collection sites, and recycling drop-off centers.

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## **Section 11.03: Use-Specific Standards<sup>28</sup>**

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Use-specific standards are the requirements applied to individual use types, regardless of the zoning district, in which they are located or the review procedure by which they are approved. This Section is intended to identify the use-specific standards for all principal uses identified in Table <>, as subject to "additional requirements." These uses are also subject to all other applicable requirements in this Ordinance.

**(A) AGRICULTURAL USE CLASSIFICATION**

**(1) Agricultural Direct Market Businesses**

- a) Agricultural direct market businesses shall be directly associated with an on-going agricultural use on the same parcel or on a parcel adjacent to the agricultural use.
- b) The use shall be operated or maintained by the owner or occupant of the land upon which the associated agriculture use is being conducted.
- c) The minimum lot area shall be 15 acres.
- d) All packaging or processing of agricultural goods shall take place within an enclosed building.
- e) Agricultural direct market businesses shall comply with the Storm Water Management Regulations of Williamson County.
- f) All buildings shall comply with the applicable building code.

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<sup>28</sup> We will revisit the use-specific standards after the initial review of Module 3 to add use-specific buffering standards for certain uses where special buffering requirements are needed (e.g., landfills, junkyards, etc.). This will be maintained for the Steering Committee but it is highlighted as a notation to staff.

**(2) Nurseries**

- a)** The minimum lot area requirement for a nursery is 10 acres.
- b)** All plant materials shall be established in the ground and/or propagated in a greenhouse.
- c)** Retail and wholesale sales of the plant materials are permitted.
- d)** All non-plant materials sold must be displayed in an enclosed building that shall have a maximum floor area of 5,000 square feet.
- e)** Nurseries shall comply with the Storm Water Management Regulations of Williamson County.
- f)** All buildings shall comply with the applicable building code.

**(3) Agri-Tourism and Education**

- a)** Agri-tourism and education shall be directly associated with an on-going agricultural use on the same lot or on a parcel adjacent to the agricultural use.
- b)** The use shall be operated or maintained by the owner or occupant of the land upon which the associated agriculture use is being conducted.
- c)** The minimum lot area shall be 15 acres.
- d)** Agri-tourism and education facilities shall comply with the Storm Water Management Regulations of Williamson County.
- e)** All buildings shall comply with the applicable building code.

**(4) Equestrian Facilities (Revised 4400 V)**

- a)** Equestrian facilities shall have a minimum lot area of 15 acres.
- b)** The maximum number of equine permitted on the property shall not exceed one and one-half equine per acre.
- c)** Equestrian facilities shall be designed to include one inside stall for every two animals kept overnight.
- d)** The following minimum setbacks shall be provided:
  - i)** Outdoor corrals, riding areas, piles of manure, feed, and bedding shall be set back a minimum of 100 feet from the property lines.
  - ii)** All roofed structures shall be set back a minimum of 150 feet from the property lines. Run-in sheds shall be set back a minimum of 15 feet from the side and rear property lines and 50 feet from the front property line.
  - iii)** Pastures may extend to any property line.
- e)** Equestrian facilities shall comply with the Storm Water Management Regulations of Williamson County.
- f)** If a public address system is to be utilized, no sound shall be audible at the property line.
- g)** Attendance at special events is limited to 100 people. Events not in conformance with these limitations shall only be permitted in accordance with Section <> (Temporary Uses and Structures).
- h)** All buildings shall comply with the applicable building code.

**(5) Farm Wineries (Existing)**

- a)** The owner shall obtain all applicable licenses and approvals from any required Local, State or Federal authority including, but not limited to the Tennessee Alcoholic Beverage Commission and the Tennessee Department of Agriculture prior to commencement of winery operations.

- b)** The area of the winery site, which may include a single lot or multiple contiguous lots, shall be a minimum of 15 acres.
- c)** A minimum of three acres of the winery site shall be utilized and maintained for growing grapes or other crops used in wine production.
- d)** The use must comply with the applicable building code and permitting requirements as well as all applicable regulations related to the treatment and disposal of wastewater.
- e)** The total floor area of all buildings used for processing/bottling, tasting, sales, wine storage, or office space shall not exceed 25,000 square feet.
- f)** All buildings, parking, and loading areas shall be set back a minimum of 100 feet from the property lines, and shall be buffered in accordance with the requirements as established in Section <>.
- g)** Facilities for selling, fermenting, and/or bottling wine shall not be in operation until the on-site vineyard, orchard, or other growing area has been established.
- h)** Farm wineries shall comply with the Storm Water Management Regulations of Williamson County.
- i)** The following accessory uses and activities are permitted in conjunction with a farm winery:
  - i)** Where otherwise permitted by State or Federal law and regulation, on-premise consumption (wine tasting) and the sale of wine and wine-related products. The aggregate total floor area for such sales and consumption shall not exceed 4,000 square feet.
  - ii)** Daily tours shall be permitted between 9:00 A.M. and sunset.
  - iii)** Attendance at special events is limited to 250 people. These may include wine appreciation/education seminars, non-profit benefits, weddings, and similar events conducted for the purpose of marketing wine. Outdoor events shall be completed during daylight hours. Events not in conformance with these limitations shall be permitted only in accordance with Section <>, Temporary Uses and Structures.
- j)** All buildings shall comply with the applicable building code.

## **(B) RESIDENTIAL USES**

### **(1) Congregate Independent Living Centers**

- a)** The proposed use shall require Major Site Plan approval by the Planning Commission (See Article <>, Site Plan Review.).
- b)** The minimum lot area shall be 10 acres.
- c)** The maximum gross residential density shall be 7.5 dwelling units per acre.
- d)** If the dwelling units are attached, the principal buildings shall be set back a minimum of 60 feet from all property lines. If the dwelling units are detached, the minimum setbacks shall be those of the applicable zoning district.

### **(2) Conservation Subdivisions (New)<sup>29</sup>**

- a)** Conservation subdivisions shall be subject to the standards of Section <> (Conservation Subdivisions).

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<sup>29</sup> If the County wants to allow attached residential uses as part of a conservation subdivision, we will include additional language in this section. See the transmittal memorandum for discussion points.

- b) The application shall demonstrate compliance with the requirements of this Ordinance as they relate to the applicable zoning district and the standards of Section <> (Conservation Subdivisions).

**(3) Mobile Homes (Revised Section 4400 J)**

- a) Unit must meet all lot requirements of the applicable zoning district.
- b) Unit must have steps to each doorway and must provide deck area of four feet by four feet for the front door, and three feet by three feet for all other doors.
- c) All steps and decks must provide handrails and guardrails a minimum of 32 inches high.
- d) Step risers must be a maximum of eight inches high and platforms must be at least nine inches wide.
- e) The frame, wheels, crawl space, storage areas, and utility connections of all mobile homes shall be concealed from view by skirting made of durable all-weather construction material that is consistent with the exterior of the mobile home. Installation of the skirting must be completed within 60 days of the placement of the mobile home on the stand. No obstruction shall be permitted that impedes the inspection of plumbing and electrical facilities.
- f) A modular home or manufactured home (a double-wide) shall be considered a “single family dwelling” for the purposes of this Ordinance, permitted where single-family dwellings are permitted and subject to all applicable standards of this Ordinance.

**(4) Mobile Home Parks (Revised Section 4400 H)<sup>30</sup>**

- a) Mobile home parks shall be located on a minimum land area of ten acres with a maximum permitted density of 20 mobile home stands per acre.
- b) Open space shall be arranged to provide suitable on-site recreation for the residents and buffering for surrounding residential areas.
- c) There shall be a minimum setback of 1,000 feet between the property line of the mobile home park and the nearest property line of a historic site.
- d) No public address or loudspeaker system shall be permitted.
- e) See Section <> for regulations applying to individual mobile home units.
- f) **Streets in Mobile Home Parks**
  - i) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads. Each mobile home plot shall include access by a system of private streets, driveways, or other means of access within the park.
  - ii) Any private streets that are located in the mobile home park shall use generally accepted engineering practices to provide a minimum pavement width of 24 feet to allow safe and adequate access to each mobile home stand not served by a public street abutting the mobile home park.
  - iii) Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. Vehicle parking areas, other than on driveways, shall be set back a minimum of 100 feet from a collector or arterial road.

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<sup>30</sup> Bufferyard requirements will be clarified and included in the development standards article.

**g) Other Design Standards**

- i) Each mobile home stand shall have off-street parking space for at least two vehicles. Spaces shall meet the minimum design standards of Section <>, Access, Off-Street Parking, and Loading Standards.
- ii) All mobile home parks shall be subject to the landscaping and screening requirements of Article <>, Landscaping and Bufferyards.

**h) Open Space**

A minimum of 20 percent of the gross site areas shall be set aside as open space, as defined in Section <>, Open Space Standards.<sup>31</sup>

**i) Mobile Home Stands**

- i) The general design standards for mobile home stands are as follows:
  - A. Each mobile home park may have up to 200 mobile home stands.
  - B. The mobile home stand shall provide for the practical placement of the mobile home and removal of the mobile home from the mobile home park.
  - C. Access to the mobile home stand shall be kept free of trees or other immovable obstructions.
  - D. The mobile home stand shall be constructed of appropriate material (such as concrete), be properly graded, placed and compacted in order to provide durable and adequate support of the maximum loads during all seasons of the year. The mobile home stand shall react as a fixed support and remain intact under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. Adequate surface drainage shall be obtained by proper grading of the mobile home stand and the mobile home space.
  - E. Mobile home stands shall not occupy an area in excess of one-third of the respective mobile home plot (e.g. the maximum coverage of the mobile home stand to the plot where the mobile home is located shall not exceed 0.33).
- ii) The dimensional requirements for mobile homes and mobile home stands shall be as follows:
  - A. There shall be a minimum mobile home stand width of 35 feet.
  - B. Mobile homes shall be set back a minimum of 20 feet from the edge of the street pavement for internal streets and 40 feet from any right-of-way of a public street.
  - C. There shall be a minimum setback of 20 feet from all other mobile homes or principal buildings in the park.
  - D. The setback between mobile homes and accessory structures shall be five feet.

**j) Community Buildings**

Each mobile home park shall have one or more central community buildings with central heating that must be maintained in a safe, clean, and sanitary condition. The building shall be constructed in such a manner as to provide safe conditions during storms.

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<sup>31</sup> We will revisit this issue upon the review of Module 3.

**(5) Multi-Family Dwellings**

- a)** Multi-family dwellings in the V and H Districts shall meet the general Special Use criteria established in Section <>.
- b)** Multi-family dwellings in the SIC and 840C Districts shall meet the general Special Use criteria established in Section <> and the following standards:
  - i)** Multi-family dwellings shall only be permitted in conservation subdivisions.
  - ii)** A maximum of 15 percent of the total dwelling units in a conservation subdivision may be multi-family dwellings.
  - iii)** There shall be a maximum of six dwelling units in any single structure.
  - iv)** Each dwelling unit's shall have a separate, exterior entrance with no common interior space shared between dwelling units.
  - v)** Multi-family dwellings shall be located internally within the conservation subdivision where they are surrounded by single-family dwelling units and open space.

**(6) Retirement Communities (Revised Section 4400 T)**

- a)** The proposed use shall require Major Site Plan approval by the Planning Commission (See Article <>, Site Plan Review.).
- b)** The minimum lot area for a retirement community shall be 25 acres
- c)** The maximum permitted density of 6.5 dwelling units per acre. Each bed in a skilled nursing facility shall be counted as one dwelling unit for the purposes of density calculations.

**d) Permitted Residential and Health Care Facilities**

- i)** The following residential and health care facility use types may be permitted within the retirement community:
  - A.** Single-family dwellings;
  - B.** Multi-family dwellings;
  - C.** Congregate independent living centers;
  - D.** Congregate assisted living centers; and
  - E.** Skilled nursing facilities.

**e) Permitted Nonresidential Uses**

- i)** The following nonresidential use types may be permitted within the retirement community:
  - A.** Day care centers for adults;
  - B.** Personal service establishments; and
  - C.** Specialty eating or drinking establishments,
- ii)** The above uses shall be limited to 2,500 square feet each and shall be located within one of the principal residential buildings allowed as in Subsection <> above.
- f)** Retirement communities shall not include residential institutional use types of any size (See Section <>, Residential Institutional (1-8 Persons) and Section <>, Residential Institutional (9 or More Residents), unless otherwise permitted by State law.
- g)** Services, activities, programs, and accessory uses incidental to the operation of a retirement community may be provided on-site. These uses could include, but are not limited to, social services, food services, exercise programs, and home health programs.

- h)** Ownership of property in a retirement community shall remain with a single entity that shall be responsible for the operation and maintenance of all of the facilities, residences, and grounds. The fee ownership of individual residences and units and the subdivision of property into individual lots or through a condominium ownership are prohibited. The legal framework to ensure compliance with the requirements of this Subsection is subject to the review by the County Attorney and approval by the Planning Commission prior to the issuance of any Building Permit.
- i)** It is intended that retirement communities provide a continuum of housing alternatives geared to the physical condition and special needs of its intended population. All retirement communities must contain a single-family and/or multi-family component as well as one or more of the following residential use types: congregate independent living center, congregate assisted living center, and skilled nursing facility.
- j)** The initial phase of construction of a retirement community must include the core central service facilities, including but not limited to those listed in (B)(5)(g) above.
- k)** All residential use types within the retirement community shall be interconnected and accessible to one another via a system of sidewalks with a minimum width of six feet.
- l)** Any main collector roads within a retirement community that connect communal use areas shall contain sidewalks or other off-street walking paths.
- m)** Where a retirement community is designed to accommodate motorized carts such as golf carts (e.g., through the development of travel trails or designated lanes along roads), the following standards shall apply:

  - i)** Parking spaces designated for motorized carts shall have minimum dimensions of six feet wide by ten feet long.
  - ii)** For commercial or recreational uses that require parking in accordance with Article <>, Access, Off-Street Parking, and Loading Standards, up to ten percent of the required number of parking spaces may be designated for motorized carts.
  - iii)** Any paths that are to be used for motorized carts shall have a minimum width of eight feet.
- n) Setbacks**

  - i)** Principal buildings shall be set back a minimum of 20 feet from all internal street rights-of-way.
  - ii)** There shall be a minimum distance of 25 feet between all principal buildings unless they are connected by covered or enclosed walkways.
  - iii)** Principal buildings shall be set back a minimum of 100 feet from all the property lines.
- o) Accessibility and Safety Standards**

  - i)** All facilities within the retirement community shall be handicapped-accessible, with doorways with a minimum width of 36 inches.
  - ii)** Grab bars and non-skid flooring shall be provided in kitchens and bathrooms of all dwelling units.
  - iii)** All units two or more stories in height shall be required to have elevator systems.
  - iv)** All units and activity areas shall be provided with automatic sprinkler systems in accordance with applicable fire safety standards.

**p) Open Space**

A minimum of 20 percent of the gross site areas shall be set aside as open space, as defined in Section <>, Open Space Standards.<sup>32</sup>

**(7) Traditional Subdivisions - Major (New)**

- a)** The following provisions are only applicable in zoning districts where a major traditional subdivision is subject to a Special Use review pursuant to Article <>.
  - i)** As established in the Williamson County Comprehensive Land Use Plan, conservation subdivisions are the preferred development type and as such, an application for a major traditional subdivision shall demonstrate that special circumstances exist that make the property unsuitable for development as a conservation subdivision.
  - ii)** As part of the Special Use application, an applicant shall be required to submit a site plan illustrating the proposed traditional subdivision, a site plan illustrating a conservation subdivision, and any additional documentation demonstrating that the conservation subdivision option:
    - A.** Is not economically viable from a standpoint of the provision of infrastructure and services;
    - B.** Is not compatible with surrounding land uses; and
    - C.** Does not contribute to the protection of rural character due to an unusual site layout or the lack of natural resources that require protection in accordance with Article <>, Natural Resource Protection Standards.
  - iii)** Prior to an applicant submitting an application for a subdivision pursuant to the Williamson County Subdivision Regulations, the applicant shall be required to submit an application for, and receive approval of, a Special Use (See Section <>) demonstrating compliance with the requirements of this Ordinance as they relate to the applicable zoning district.
- b)** All major traditional subdivisions shall be subject to the homeowners association requirements of Section <>, Homeowners Associations.

**(8) Congregate Assisted Living Centers<sup>33</sup>**

- a)** The proposed use shall require Major Site Plan approval by the Planning Commission (See Article <>, Site Plan Review.).
- b)** There shall be a minimum lot area of five acres.
- c)** All structures and activity areas shall be set back a minimum of 50 feet from all property lines, or shall meet the setback requirements of the applicable zoning district, whichever is greater.
- d)** The density shall not exceed 10 patient rooms per acre.

**(9) Residential Institutional (1-8 Residents) (Revised Section 4400 S)<sup>34</sup>**

- a)** The proposed use shall require Major Site Plan approval by the Planning Commission (See Article <>, Site Plan Review.).

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<sup>32</sup> We will revisit this issue upon the review of Module 3.

<sup>33</sup> We will revisit congregate assisted living centers, residential institutional uses, and skilled nursing facilities during future discussions with staff and the steering committee.

<sup>34</sup> These uses are of the same scale as the institutional single-family home uses (permitted in all residential districts by State law) but may house those other than the mentally or physically handicapped (e.g., halfway houses for drug or alcohol addiction).

- b)** There shall be a minimum lot area of two acres.
- c)** All structures and activity areas shall be set back a minimum of 50 feet from all property lines, or shall meet the setback requirements of the applicable zoning district, whichever is greater.
- d)** All required licenses and permits from applicable State authorities must be secured prior to occupancy.
- e)** Clients of the facility must be actively and continuously enrolled in outpatient rehabilitation or substance abuse program (if applicable) that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both as may be applicable.
- f)** The facility shall not be established or modified in a manner that would make it inconsistent with the scale and character of the surrounding neighborhood.
- g)** No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a residential institutional use.
- h)** No more than two occupants may occupy each bedroom.
- i)** The facility shall have a staff member either on staff or residing at the facility 24 hours a day, seven days a week.

**(10) Residential Institutional (9 or More Residents)**

- a)** The proposed use shall require Major Site Plan approval by the Planning Commission (See Article <>, Site Plan Review.).
- b)** There shall be a minimum lot area of five acres.
- c)** All structures and activity areas shall be set back a minimum of 50 feet from all property lines, or shall meet the setback requirements of the applicable zoning district, whichever is greater.
- d)** There shall be a minimum set back requirement of 3,000 feet from any other residential institutional use (regardless of size) as measured from property line to property line of the individual facilities.
- e)** All required licenses and permits from applicable State authorities must be secured prior to occupancy.
- f)** The facility shall not be established or modified in a manner that would make it inconsistent with the scale and character of the surrounding neighborhood.
- g)** Special fire escapes and other required structural changes shall be located and screened to minimize the character differences with other residential units in the area.
- h)** No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a residential institutional use.
- i)** No more than two occupants may occupy each bedroom.
- j)** The facility shall have a staff member either on staff or residing at the facility 24 hours a day, seven days a week.
- k)** If the facility is designed to accommodate those other than the mentally or physically disabled, clients of the facility must be actively and continuously enrolled in outpatient rehabilitation or substance abuse program (if applicable) that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both as may be applicable.
- l)** Adequate parking shall be provided in accordance with Article <> (Access, Off-Street Parking, and Loading) and subject to conditions of the Special Use review.

**(11) Skilled Nursing Facilities (New)**

- a)** The proposed use shall require Major Site Plan approval by the Planning Commission (See Article <>, Site Plan Review.).
- b)** There shall be a minimum lot area of two acres.
- c)** All structures and activity areas shall be set back a minimum of 50 feet from all property lines, or shall meet the setback requirements of the applicable zoning district, whichever is greater.
- d)** The density shall not exceed 15 patient rooms per acre.

**(C) PUBLIC AND INSTITUTIONAL USES**

**(1) Day Care Centers (Existing Section 4400 I)**

- a)** An applicant shall obtain a license to operate the facility from any required Local, State, or Federal authority including, but not limited to, the Tennessee Department of Human Services.
- b)** All play areas shall be fenced, and buffered in accordance with Article <>.
- c)** All refuse shall be contained in completely enclosed facilities and located in the rear of the building.

**(2) Educational Facilities (Revised Section 4400 F)**

- a)** The proposed use shall require Major Site Plan approval by the Planning Commission (See Section <>, Site Plan Review.).
- b)** Proposed additions to educational facilities may be reviewed by the Planning Director as a Minor Site Plan (See Article <>, Minor Site Plan.) if the proposed expansion is less than 50 percent of the floor area of the original structure or less than 2,000 square feet, whichever is less.
- c)** New educational facilities shall be required to take primary access from an arterial or collector road as established in the Williamson County Major Thoroughfare Plan.

**(3) Educational Facilities, Higher (New)**

- a)** Higher educational facilities that operate out of office space shall be reviewed as an office use type.
- b) New Higher Educational Facilities**
  - i)** There shall be a minimum lot area of 20 acres.
  - ii)** New higher educational facilities shall take primary access from an arterial road as established in the Major Thoroughfare Plan.
  - iii)** Principal buildings shall be set back a minimum of 250 feet from all property lines.
  - iv)** All other structures, parking areas, and related uses shall be set back a minimum of 100 feet from all adjacent residential property lines.

**(4) Governmental Maintenance Storage or Distributional Facilities (Revised Section 4400 F)**

- a)** There shall be a minimum lot area of five acres.
- b)** The principal building shall be set back a minimum of 100 feet.
- c)** All structures, parking areas, and related uses shall be set back a minimum of 50 feet from all adjacent residential property lines.

**(5) Hospitals**

- a)** There shall be a minimum lot area of five acres.
- b)** New hospitals shall take primary access from an arterial road as established in the Major Thoroughfare Plan.
- c)** The principal building shall be set back a minimum of 100 feet.
- d)** All structures, parking areas, and related uses shall be set back a minimum of 50 feet from all adjacent residential property lines.

**(6) Cultural Institutions**

- a)** A minimum of 25 percent of the lot shall be maintained as landscaped areas or open space.
- b)** New cultural institutions that require a lot area larger than five acres shall take primary access from an arterial road as established in the Major Thoroughfare Plan.

**(7) Religious Institutions**

- a)** Proposed additions to religious institutions may be reviewed by the Planning Director as a Minor Site Plan (See Article <>, Minor Site Plan.) if the proposed expansion is less than 50 percent of the floor area of the original structure or less than 2,000 square feet, whichever is less.
  - i)** The addition must be in character with the existing structure.
  - ii)** The Planning Director may choose to forward on the addition to the Planning Commission for Major Site Plan review.
  - iii)** If the Planning Director does not forward the application to the Planning Commission, then the Planning Director shall provide written notice of the application to all adjacent property owners. Said owners shall have 10 days to comment on said addition in writing or at the offices of the Community Development Department.
  - iv)** If any unfavorable comments are received, the application will be brought before the Planning Commission for Major Site Plan review (See Section <>, Major Site Plan.).
- b)** New religious institutions shall be required to take primary access from an arterial or collector roadway as established in the Major Thoroughfare Plan.

**(8) Commercial Cemeteries (Revised Section 4520 T)**

- a)** Commercial cemeteries shall have a minimum lot or site area of 20 acres, including business offices and storage buildings.
- b)** New commercial cemeteries shall take primary access from an arterial road as established in the Major Thoroughfare Plan.
- c)** Commercial cemeteries shall be subject to all applicable standards of Title 46 of the Tennessee Code Annotated and any other applicable Local, State, or Federal regulations.

**(9) Airport, Landing Strip, and Heliport, Private (Revised Section 4500 L)**

- a)** Private airport, landing strips, and heliports in the A, RP-5, and RD-5 Districts are to be used for agricultural or recreational purposes only.
- b)** Runways and landing strips shall have a minimum width of 50 feet and a maximum of 3,000 feet in length.
- c)** There shall be no more than one runway or landing strip, or up to two heliport pads, on a single property.

- d)** No obstruction shall exist within 50 feet on each side of the center line of the landing field along the full length of the runway or landing strip.
- e)** The ends of the runway shall be set back a minimum of 1,000 feet from all property lines.
- f)** Runways, landing strips, and heliport pads shall be set back from the property line a minimum of 200 feet on either side of the runway along points along the runway. If the subject property is adjacent to a residentially zoned property, this setback shall be increased to 1,000 feet.
- g)** No aircraft will be hangered, tied down, or parked within the setbacks established above.
- h)** Outside of the setbacks from the runways, landing strips, and heliport pads, all buildings, hangars, or other structures shall be set back a minimum of 100 feet from any street or property line.
- i)** The proposed establishment or expansion of an airport, landing strip, or heliport shall not in any way conflict or overlap with flight patterns and approach areas of any other airport, landing strip or heliport.
- j)** The maximum height of structures on the property shall be subject to the provisions of Federal Aviation Administration, Part 77.
- k)** No commercial activity shall be conducted in connection with any private airport, landing strip, or heliport unless otherwise permitted and approved within the applicable zoning district. This includes a prohibition on airframe or engine repair for compensation; sale of parts or accessories, including oil and fuel; flight school, ground school, flying lessons or pilot training; sightseeing, aircraft rides for compensation, rental, or leasing of aircraft; and the rental of hangar space or outdoor parking space for compensation.
- l)** All repair of airplanes and machinery shall be conducted inside hangars or other enclosed buildings.

**(10) Airport, Landing Strip, and Heliport, Public (Revised Section 4500 L)**

- a)** The area proposed for this use shall be sufficient in size and the site otherwise adequate to meet the standards for the proposed class of airport as established by the Federal Aviation Administration (FAA) and the Tennessee Department of Transportation in accordance with their applicable rules and regulations.
- b)** Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions located within the approach zones shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Part 77.
- c)** There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, proof thereof shall be submitted with the application.
- d)** All runways, landing strips, heliport pads, buildings, hangars, or other structures shall be set back a minimum of 200 feet from any street or property line.
- e)** The ends of the runway shall be set back a minimum of 1,000 feet from all property lines.
- f)** All other portions of runways, landing strips, and heliport pads shall be set back from the property line a minimum of 200 feet on either side of the runway along points along the runway. If the subject property is adjacent to a residentially zoned property, this setback shall be increased to 1,000 feet.
- g)** All repair of airplanes and machinery shall be conducted inside hangars or other enclosed buildings.

**h) Permitted Uses within the Primary Surface**

Uses within the area designated as the primary surface, as established and defined by FAA Part 77, as amended, shall be limited to:

- i) Open space; and
- ii) Permitted airport uses.

**i) Permitted Uses within the Inner Approach, Outer Approach, and Transitional Surfaces**

Uses within the inner approach, outer approach, and transitional approach areas, as established and defined by FAA Part 77 as amended, shall be limited to those uses permitted in the underlying base zoning districts with the exception that the following uses shall be prohibited:

- i) Private or public landfills;
- ii) Trash compaction and transfer stations;
- iii) Sewage ponds;
- iv) Sludge disposal;
- v) Water reservoir;
- vi) Feedlots;
- vii) Slaughterhouses;
- viii) Waterfowl productions that are not completely enclosed within a structure;
- ix) Wildlife sanctuaries and refuges;
- x) Lakes or ponds with a surface area in excess of 1 acre or designed to attract or harbor waterfowl unless such lake or pond is required as part of the site's storm water drainage system as required by the County;
- xi) Commercial shooting ranges;
- xii) Private airports, landing strips, and heliports;
- xiii) Hospitals;
- xiv) Educational facilities;
- xv) Religious institutions; and
- xvi) Ball fields.

**j) Performance Standards**

- i) Notwithstanding any other provisions of this Ordinance, no use may be made of land within any AP District established by this Ordinance in such a manner as to create electrical interference with radio communication between the airport and aircraft, to make it difficult for pilots to distinguish between airport lights and other lights, to create glare in the eyes of pilots using the airport, to impair visibility in the vicinity of the airport, or to otherwise endanger the landing, taking off, or maneuvering of aircraft.
- ii) Notwithstanding any other provisions of this Ordinance, no use may be made of land within any AP District established by this Ordinance in such a manner as to produce smoke, fumes or gases that would interfere with the safe operation by aircraft of the airport.

**(11) Utilities (Existing Section 4400 L)**

High-voltage transformers and any other utility structures or equipment of potential hazard shall be completely enclosed by a chain link fence and buffered in accordance with Section <>.

**(12) Wireless Telecommunication Facility (Existing Section 4400 Y)<sup>35</sup>**

**a) Purpose and Legislative Intent**

The Telecommunications Act of 1996 affirmed Williamson County's authority concerning the placement, construction, and modification of wireless telecommunications facilities. Williamson County finds that it is in the best interest of the citizens of Williamson County to develop regulations that would minimize the effect of the placement of telecommunication structures. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to insure that the placement, construction, or modification of wireless telecommunications facilities is consistent with the County's land use policies, Federal law, and Tennessee law, the County is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this Ordinance is to minimize the negative impact of wireless telecommunications facilities, while establishing a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of Williamson County.

**b) Title**

This Ordinance, which is contained within and made a part of the Williamson County Zoning Ordinance, shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for Williamson County.

**c) Severability**

- i) If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- ii) Any permit or certificate issued under this Ordinance shall be comprehensive and not severable. If part of a permit or certificate is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the County.

**d) Overall Policy and Desired Goals for Permits for Wireless Telecommunications Facilities**

In order to ensure that the placement, construction, and modification of wireless telecommunications facilities has minimum adverse effect on the County's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood while recognizing the desire for telecommunication services the County hereby adopts an

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<sup>35</sup> The only change to this section was to move the definitions from the current 4400Y to the definitions article of this new Ordinance.

overall policy with respect to issuing a Zoning Certificate for wireless telecommunications facilities for the express purpose of achieving the following goals:

- i) Requiring a permit/Zoning Certificate for any new, co-location, or modification of a wireless telecommunications facility unless otherwise provided herein.
- ii) An applicant submitting an application for a co-location of an antenna that does not increase the height of the telecommunication structure will need only to provide the location of the antenna to obtain a zoning certificate. The certificate shall be granted at no cost to the applicant.
- iii) Establishing a policy for examining an application for and issuing a Zoning Certificate for wireless telecommunications facilities that is both fair and in compliance with State and Federal laws.
- iv) Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers.
- v) Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner including, but not limited to, the use of stealth technology to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area while balancing the desire for additional telecommunication services.

**e) Location of Wireless Telecommunications Facilities**

- i) Applicants for wireless telecommunications facilities shall locate, site, and erect said wireless telecommunications facilities in accordance with the following priorities, with Paragraph (A) being the highest priority and Paragraph (D) being the lowest priority.
  - A. On existing towers or other structures without increasing the height of the tower or structure.
  - B. On County-owned properties.
  - C. On existing towers or structures by increasing their height.
  - D. All other sites.
- ii) Should an applicant by-pass sites of higher priority, it shall provide documentation showing substantial evidence that the higher priority option is not a commercially viable option or technically feasible. Agreements between providers limiting or prohibiting co-location shall not be by itself substantial evidence for a claim of commercial impracticability or hardship.
- iii) Notwithstanding the above, the Codes Compliance Director or, if applicable, the BZA, may approve any site located within an area in the above list of priorities, provided that it finds that the proposed site is not injurious to the best interest of the health, safety and welfare of the County and its inhabitants and will not have an adverse effect on the nature and character of the community and neighborhood.

**f) Shared Use of Wireless Telecommunications Facilities and Other Structures**

- i) The County, as opposed to the unneeded construction of a new tower, shall prefer the location of antennas on existing towers or others structures without increasing the height before issuing a Zoning Certificate for a new tower.
- ii) No transmit equipment of any kind may be installed on any structure below 10 meters from the surface level without approval from the Codes Compliance Director.

- iii) An applicant submitting an application for a co-location of an antenna that does not increase the height of the telecommunication structure will need only to provide the location of the antenna to obtain a Zoning Certificate. The Zoning Certificate shall be granted at no cost to the applicant.

**g) Visibility of Wireless Telecommunication Facilities**

- i) Wireless telecommunications facilities shall not be artificially lit or marked, except as required by law.
- ii) Unless good cause is shown, towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings, and shall be maintained in accordance with common practice in the telecommunication industry.
- iii) If artificial lighting is required, in addition to the other requirements contained herein, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal law or regulations.

**h) Height of Telecommunications Towers**

- i) Any proposed new tower or any co-location or modification of an existing tower shall not, unless otherwise provided for in this Zoning Ordinance, exceed the current height of an existing telecommunication structure at the time this Ordinance is adopted.
- ii) No application for a new tower or any co-location that requires operation with artificial lighting of any kind in accordance with all applicable laws, ordinances, or rules without providing substantial evidence to the Codes Compliance Director supporting the need for the height and by obtaining approval as a Special Use from the Board of Zoning Appeals will be permitted.
- iii) Any increase in the height of an existing tower shall be considered an extension that exceeds the height limitation of Williamson County.

**i) Permit Application and Other Requirements**

- i) Unless otherwise exempted by Tennessee Law or this Ordinance, all applicants for a Zoning Certificate for wireless telecommunications facilities or any modification of such facility shall comply with the requirements set forth in this Ordinance. The Williamson County Codes Compliance Director is the officially designated staff member of the County to whom applications for a Zoning Certificate for wireless telecommunications facilities must be made, and that is authorized to review, analyze, evaluate and make final decisions with respect to granting or not granting, or revoking permits for wireless telecommunications facilities, unless the application concerns a tower which is required to have artificial lighting in which the BZA shall have the authority to make final decisions.

**ii) Pre-Application Meeting**

- A. Once an applicant has contacted the Codes Compliance Director of its interest to apply for a Zoning Certificate, and upon written request by the applicant, there shall be a pre-application meeting scheduled within 10 working days of receipt of the request to be attended by the applicant, Community Development Department staff, other county staff, and county consultants, if needed. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. In addition, the applicant will be able to ask questions and discuss the information and documentation that may be needed to expedite the

application procedure. Staff with the assistance of a consultant, if present, will explain the process of collecting the fee for the application process to reimburse Williamson County for cost of the application process. The fee for the pre-application meeting shall be \$750 which is to be paid before or at the pre-application meeting. A pre-application meeting shall also include a site visit if the Codes Compliance Director deems it would assist in the application process. A pre-application meeting shall not be required for installation of an antenna on an existing telecommunication structure if the antenna does not increase the height of the structure measured at the time this Ordinance took effect.

- B.** At the conclusion of the pre-application meeting, the Codes Compliance Director will provide a general guidance as to whether the application will be reviewed, approved, or denied by staff or whether as a Special Use approval will be needed to be obtained by the Williamson County Board of Zoning Appeals.

**iii) Staff Approval**

- A.** Unless otherwise provided for herein, the Codes Compliance Director shall have the authority to approve with or without any reasonable conditions or deny any application should the applicant fail to satisfy the conditions or requirements included in this Ordinance for modification or a co-location which increases the height of an existing telecommunication structure and does not increase the height of an existing structure beyond the height requiring lighting to be installed by the FAA. Should the modification in the height of the existing structure require lighting under the FAA Regulation Part 77 then the applicant shall seek approval as a Special Use as described herein.
- B.** The Codes Compliance Director shall have the authority to approve with or without reasonable conditions or deny an application should the applicant fail to satisfy the conditions or requirements included in this Ordinance for a new telecommunication tower that does not require lighting by the FCC and or the FAA.

**C. Process**

- 1.** The applicant must fully complete and sign an application for a Zoning Certificate for a wireless telecommunication facility attesting to the contents and representations made therein and to the truth and completeness of the information. The application shall then be submitted to the Codes Compliance Director for review.
- 2.** Any and all representations made by the applicant to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.
- 3.** The applicant is to provide documentation that shows the construction or modification of the telecommunication facility does not require lighting under the applicable FAA regulations.
- 4.** The applicant is to provide the name and contact information of the owner of the facility if a co-location that increases the height of an existing telecommunication structure is requested or the name of the property owner

should the request be for a new facility under the lighting requirement and located on property owned by a third party;

5. The applicant is to provide documentation to verify it has the right to proceed as proposed on the site. If the applicant owns the site, a copy of the ownership record is required.
6. In addition to the above requirements, an application for a new tower that does not require lighting as regulated by the FAA regulations shall provide the necessary submittal requirements as required by Section <>, Application Submission.
7. In addition to the above requirements, an applications for a new telecommunication tower that does not require lighting as regulated by the FAA regulations shall provide the following information to the Codes Compliance Director:
  - a. The zoning district or designation in which the property is situated;
  - b. A copy of the tax map and parcel number of the property that the proposed facility will be constructed on should the application be approved.
  - c. A map drawn to scale showing the square footage of the proposed lot, the footage of the property lines, as well as the location of all structures within the requested fall zone of the proposed telecommunication facility;
  - d. If applicable, documentation explaining why sites of a higher priority were not selected;
  - e. A description of the structures that are located in the fall zone radius of the proposed telecommunication tower;
  - f. A map of all existing telecommunication facilities within a three mile radius of the proposed telecommunication tower;
  - g. Documentation supporting and explaining why co-location on one of the towers within the three mile radius is not a viable option;
  - h. Documentation supporting and explaining the inability of the facility to be located on property owned by Williamson County;
  - i. Any other reasonable documentation needed by the Codes Compliance Director or its consultant to assess the application;
  - j. Provide reasonably detailed construction plans of the tower including the color, material used to construct, the model and all other additional facilities needed;
  - k. Provide supporting documentation to support the need for the proposed height of the telecommunication tower;
  - l. Provide a site plan that details the location of all easements, the location of the proposed structure(s), location of all other structures, the location of existing utilities, and the location of the proposed means of ingress and egress;
  - m. Reasonably detailed plans showing the installation of power lines and other utilities. The power lines shall be installed underground if the lines are to go through wooded area. Power lines that cross open, non-

wooded land may be installed overhead. All utilities at a wireless telecommunications facility site required to be installed underground shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate;

- n. Present proposals of stealth technology that will be used to make the facility less visually noticeable or documentation why stealth technology is not feasible for the proposed facility;
  - o. If needed to be constructed, the plans for the construction of any proposed method of ingress and egress;
  - p. Provide a signed statement that should the installation cause any physical or RF interference with other existing telecommunication equipment or structures, that applicant will remedy within a reasonable period of time or as otherwise dictated by Federal or State law;
  - q. A copy of the geotechnical sub-surface investigation, evaluation report and foundation recommendation for a proposed site; and
  - r. A grading and erosion control plan, including access road, as required by the Williamson County.
- D.** Should the Codes Compliance Director make a final determination to approve the application, the applicant will be notified in writing of the approval including a detailed description of any conditions and the reasons for the conditions within thirty days of the decision. Should an applicant disagree with any of the conditions, it may appeal to the BZA the disputed condition.
- E.** Should the Codes Compliance Director make a final determination to deny an application, the applicant will be notified in writing of the denial and a detailed description of the reasons for the denial. The applicant may appeal Codes Compliance Director's decision, by appealing to the BZA within 60 days of receipt of the denial notice.
- F.** Nothing in this Section shall require the applicant to provide documentation to justify radio frequency. The applicant may voluntarily submit such documentation if it so desires.

**iv) Special Use Request**

- A.** Should the applicant seek a Zoning Certificate for a tower requiring the installation of lighting or should it be determined that a modification of an existing tower or a co-location request will require the installation of lighting as determined under the FAA regulations, then the applicant shall request and obtain a Special Use review before a Zoning Certificate will be issued.
- B.** In addition to the requirements included in Article <> (Special Use), and the requirements set out in Section <> (existing 4600) and Section (existing 9400), the applicant must submit the following information to the Codes Compliance Director to review and include in the Codes Compliance Director's report to be presented to the BZA for request of a Special Use:
- I.** The applicant shall submit documentation including, but not limited to, documentation justifying the total height of the tower, facility, and/or antenna

and the basis therefore. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily within the County, to the extent practicable, unless good cause is shown. This required documentation is to be used to justify the proposed height requested and not to justify radio frequency; and

2. The applicant shall submit a description of the lighting equipment to be installed on the facility.

**v) Action on Application**

- A. The agency with the authority to approve or deny an application, will review the application in a timely manner and pursuant to the requirements included in this Section and shall act within a reasonable period of time given the relative complexity of the application and the circumstances. Should the application require the approval of a Special Use, the applicant will need to satisfy those requirements contained in Section <> (existing 9400) and Section <> (existing 4600) of this Ordinance.
- B. The agency with the authority to approve or deny an application may approve, approve with conditions, or deny a Zoning Certificate. Its decision shall be in a separate writing and shall be supported by substantial evidence. The ruling will be mailed to the applicant within 10 working days of the ruling.
- C. Should the application be approved then the Zoning Certificate may be issued within 30 days of the date on the notification.
- D. Should the application be denied or approved with conditions by the Codes Compliance Director, the applicant may appeal the Codes Compliance Director's decision to the BZA within 60 days of receiving the written decision.
- E. Should the application be denied or approved with conditions not agreeable by the applicant by the BZA, the applicant may appeal to any court with jurisdiction over these matters.
- F. The applicant may still need to obtain necessary building permits, and grading permits, and/or submittal of a Site Plan.

- vi) An application may be denied should it be determined that substantial evidence exist that the applicant has not satisfied the requirements as defined in this Ordinance. Any final decision may be appealed as provided for herein.

**j) Exceptions and Exclusions**

No person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of wireless telecommunications facilities as of the effective date of this Ordinance without having first obtained a Zoning Certificate for wireless telecommunication facilities. Notwithstanding anything to the contrary in this Section, no Zoning Certificate shall be required for the following:

- i) All wireless telecommunications facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist. Any increase in the height of the telecommunication structure by any means shall not be exempted and shall be subject to the requirements and restrictions of this Ordinance.
- ii) A Zoning Certificate is not needed for any repair or maintenance of a wireless facility that:

- A.** Does not increase the height of the highest point of the structure; and
  - B.** Does not increase the current size of the equipment being replaced by 25 percent.
- iii)** The County's fire, police, or other public service facilities owned and operated by the Local government.
- iv)** Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multi-channel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- v)** Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications.
- vi)** Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth) where the facility does not require a new tower.

**k) Security of Wireless Telecommunications Facilities**

All wireless telecommunications facilities and antennas shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access. Specifically:

- i)** All antennas, towers, and other supporting structures, including, but not limited to, guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or made readily accessible; and
- ii)** Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

**l) Signage**

Wireless telecommunications facilities shall contain a sign no larger than four square feet in area in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) of the tower and antenna(s) as well as an emergency phone number. The sign shall be on the equipment shelter or cabinet of the structure, and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration sign as applicable is also to be present. The signs shall not be lit, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

**m) Lot Size and Setbacks**

- i)** Towers shall be located so that there is a sufficient fall zone radius around the tower to ensure its collapse would be contained within an unoccupied area. The radius shall be determined by measuring the proposed height of the tower and adding any additional height required to accommodate all proposed antennas and other appurtenances.
- ii)** The applicant shall provide proof of ownership, lease, or permanent easement rights for the designated fall zone.
- iii)** On-site buildings shall only be used for the storage of necessary on-site equipment, and must meet nonresidential setback requirements for the applicable zoning district.
- iv)** The radius shall not encompass public roads, public easements, or public property without first obtaining permission from the government owning the interest in the property.

**n) Retention of Expert Assistance and Reimbursement by the Applicant**

- i) The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the application, including any plans for the construction and modification of a site, and any site inspections. The County may refer any application or part thereof to any advisory or other committee for a non-binding recommendation. The consultant's opinion is merely a recommendation and as such is not binding in any way on the governmental body tasked with making the final determination.
- ii) The applicant will be assessed a fee by Williamson County before any final decision is reached in an amount sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any application.
- iii) The total amount of the funds needed as set forth in Subsection (ii) of this Section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis, and inspection of any construction or modification.

**o) Extent and Parameters of Zoning Certificate**

The extent and parameters of a Zoning Certificate for wireless telecommunications facilities shall be as follows:

- i) Such Zoning Certificate shall not be assigned, transferred, or conveyed without providing Williamson County notice of the act including the name and current address of the assignee.
- ii) **Certificate Revocation**
  - A. A Zoning Certificate may be revoked if a deficiency is not cured within 180 days of being given notice. Upon expiration of the 180 days, the Community Development Department shall provide the owner with notice of a hearing to revoke the Zoning Certificate before the BZA.
  - B. The applicant will be provided with 30 days notice of the hearing and will be allowed to address and answer any claims made against it.
  - C. Should the BZA find substantial evidence that the Zoning Certificate holder has materially violated this Ordinance or any condition included in the approval of the Zoning Certificate, the BZA may revoke, cancel, or terminate the Zoning Certificate for the violation of the conditions and provisions of the Zoning Certificate.
  - D. This Section does not limit the remedies that may be sought by Williamson County should a violation occur.

**p) Performance Security**

- i) The applicant and the owner of record of any proposed wireless telecommunications facilities not in existence at the time of adoption of this Ordinance shall, at its cost and expense, be required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a tower facility to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Zoning Certificate issued pursuant to this Ordinance.

- ii) The full amount of the bond or security shall remain in full force and effect throughout the term of the Zoning Certificate and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Zoning Certificate.

**q) Liability Insurance**

- i) Should an applicant receive permission to construct its wireless telecommunication facility on Williamson County property, the applicant agrees to secure and maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Zoning Certificate in amounts as set forth below:
  - A. Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - B. Automobile coverage: \$1,000,000 per occurrence and \$2,000,000 aggregate;
  - C. Workers compensation and disability: Statutory amounts
- ii) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State of Tennessee.
- iii) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least 30 days prior written notice in advance of the cancellation of the insurance.
- iv) Before construction on Williamson County property of a permitted wireless telecommunications facilities is initiated, but in no case later than 15 days after the grant of the Zoning Certificate, the holder of the Zoning Certificate shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

**r) Indemnification**

- i) Any application for wireless telecommunication facilities that is proposed for County property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.
- ii) Notwithstanding the requirements noted in Subsection (i) of this Section, an indemnification provision will not be required in those instances where the County itself applies for and secures a Zoning Certificate for wireless telecommunications facilities.

**s) Default and/or Revocation**

Unless otherwise provided for herein, if a wireless telecommunications facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Zoning Certificate, then the County shall notify the holder of the Zoning Certificate in writing of such violation. A Zoning Certificate holder in violation may be considered in default and if a violation is not corrected to the satisfaction of the County in accordance with Section <>, Certificate Revocation within 180 days of receipt of written notice the Zoning Certificate may be subject to revocation after hearing by the Board of Zoning Appeals.

**t) Construction of New Telecommunication Facilities**

- i) The requirements under this Section are in addition to all other requirements contained herein and in no way limits or deletes any other requirement contained herein.
- ii) At a telecommunications site, an access road, turn around space, and parking area shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- iii) All wireless telecommunications facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, State, or United States, including but not limited to the most recent editions of the ANSI Code, Clean Water Act, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- iv) In addition to the requirements to obtain a Zoning Certificate granted under this Ordinance, the applicant shall obtain, at its own expense, all other permits and licenses required by applicable Law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other government entity or agency having jurisdiction over the applicant.

**u) Removal of Wireless Telecommunications Facilities**

- i) Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of wireless telecommunications facilities.
  - A. Wireless telecommunication facilities with a permit have been abandoned (i.e., not used as wireless telecommunication facilities) for a period exceeding 365 days.
  - B. Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard and is not corrected within 180 days.
  - C. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Zoning Certificate, or any other necessary authorization and the Zoning Certificate may be revoked.

- ii) If the County makes such a determination as noted in Subsection (i) of this Section, then the County shall provide written notice to the holder of the Zoning Certificate for the wireless telecommunications facilities at issue within 30 days of the hearing date to be held before the BZA to appeal the decision. The appellant shall be given an opportunity to provide information and to testify before the BZA and to show by substantial evidence that the facility has not been abandoned as provided for herein. This Section does not attempt to limit an applicant's right to appeal a decision of the Board of Zoning Appeals to the Chancery Court of Williamson County.
- iii) Should the BZA determine that the telecommunication facility has been abandoned then the holder of the Zoning Certificate, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety 90 days of receiving the written decision by the BZA. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain the wireless telecommunications facilities or any part of it, then the owner may be granted an additional 30 days to reach an agreement with the owner of the telecommunication facility.
- iv) If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within 90 days after the certificate holder has received the written decision by the BZA, then Williamson County may order officials or representatives of Williamson County to remove and dispose as they see fit the wireless telecommunications facilities at the sole expense of the owner or Zoning Certificate holder.
- v) Notwithstanding anything in this Section to the contrary, the County may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more 180 days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the Zoning Certificate, subject to the approval of the Codes Compliance Director, and an agreement to such plan shall be executed by the holder of the Zoning Certificate and Williamson County. If such a plan is not developed, approved and executed within the 180 day time period, then Williamson County may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this Section <> (Section 22).

**v) Relief**

- i) Any applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such at the preapplication meeting, provided that the relief or exemption is contained in the submitted application for either a Zoning Certificate, or in the case of an existing or previously granted Zoning Certificate a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. The Applicant shall bear all reasonable costs of the County in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by substantial evidence that, if granted the relief, waiver or exemption will have no significant effect on the health, safety and welfare of the County, its residents and other service providers. Should The Codes Compliance Director deny the Applicant's request for relief, the applicant may petition the BZA as provided for herein.
- ii) Any final decision made by Codes Compliance Director may be appealed to the BZA.

**w) Periodic Regulatory Review by the County**

- i) The County may at any time conduct a review and examination of this entire Ordinance.
- ii) If after such a periodic review and examination of this Ordinance, the County determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or deleted, then the County may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the County, the County may repeal this entire Ordinance at any time.
- iii) Notwithstanding the provisions of subsections (i) and (ii) of this Section, the County may at any time and in any manner (to the extent permitted by Federal, State, or Local law), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

**x) Adherence to State and/or Federal Rules and Regulations**

- i) To the extent that the holder of a Zoning Certificate for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Zoning Certificate shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- ii) To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Zoning Certificate for wireless telecommunications facilities, then the holder of such a Zoning Certificate shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity, unless otherwise dictated by the applicable Federal or State Law.

**(D) COMMERCIAL USES**

**(1) Adult-Oriented Establishments (Existing Section 4500 ZB)**

- a)** Adult-oriented establishments shall be set back a minimum of 500 feet from the following:
  - i)** The boundary of any lot or parcel containing any use type classified under the Public and Institutional Use Classification under the terms of this Ordinance;
  - ii)** The boundaries of any residential zoning district. For purposes of this Section, this shall include RP-5, RD-5, RP-I, RD-I, SIC, MGA, NC, and NCMH Districts;
  - iii)** The boundary of any lot or parcel devoted to a use type within the Residential Use Classification as identified in Table <>;
  - iv)** The boundary of any lot or parcel containing an entertainment establishment that is oriented primarily towards entertainment of children and families;
  - v)** The boundary of any lot or parcel containing an establishment engaged in the sale of packaged liquors;
  - vi)** The boundary of any lot or parcel containing a "Historic Site<sup>36</sup>" as defined under the terms of this Ordinance; and
  - vii)** The boundary of any lot or parcel containing another adult-oriented establishment.
- b)** Adult-oriented establishments are further restricted to lots or parcels directly contiguous to roadways classified as "arterials", as established in the Williamson County Major Thoroughfare Plan (1996), as periodically amended.
- c)** For the purposes of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult-oriented establishment is conducted, to the nearest property line of the premises of a use listed in this Section. The presence of a political boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- d)** An adult-oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of the said establishment, of a use listed in Section <> within 500 feet of the adult-oriented establishment.
- e)** No structure or parcel that contains any adult-oriented establishment shall contain any other kind of adult-oriented establishment in existence on the effective date of this Ordinance. If two or more adult-oriented establishments are within 500 feet of one another or are within the same structure or parcel, the adult-oriented establishment that was the first established in an otherwise permissible location shall be considered as a conforming use and the later-establishment(s) shall be considered as a nonconforming use.
- f)** No adult-oriented establishment shall be enlarged so as to violate the provisions of this Ordinance.

**(2) Animal Boarding Facilities (Existing Section 4500 S)**

- a)** There shall be a minimum lot area of five acres.
- b)** The facility shall be set back a minimum of 200 feet from any road.

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<sup>36</sup> We will double check this terminology upon completion of Module 3.

- c)** All structures and activities related to the subject facility shall be set back 100 feet from side and rear property lines, except that when located adjacent to a residential district (RP-5, RD-5, RP-I, RD-I, SIC, and MGA), the following setbacks shall apply:
  - i)** All non-soundproofed structures, runs, or areas where animals are confined shall be set back 150 feet from all property lines.
  - ii)** Soundproofed, air-conditioned buildings shall comply with the minimum setback requirements of the applicable zoning district.
- d)** All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height and located within 50 feet of the structure.
- e)** All outdoor run areas shall be confined to a single area of the property with fencing separating any individual runs.
- f)** Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- g)** There shall be no burial or incineration of animals on the premises.

**(3) Animal Hospitals or Veterinarian Clinics with Animal Boarding**

Animal hospitals or veterinarian clinics that also provide for animal boarding (beyond that which is necessary for medical treatment) shall be subject to the standards for animal boarding facilities in Section <>.

**(4) Conference Centers**

- a)** There shall be a minimum lot area of two acres.
- b)** New conference centers shall take primary access from an arterial road as established in the Major Thoroughfare Plan.
- c)** Any retail business (e.g., catering) conducted on the premises shall be primarily for the use of the guests of the center, and there shall be no entrances directly from the road to such businesses, and no signs or other evidence indicating the existence of such businesses visible from the outside of the building.

**(5) Rural Retreats – Extensive (Revised Section 4400 BB)**

- a)** Rural retreats - extensive shall be subject to Major Site Plan review pursuant to Section <>.<sup>37</sup>
- b)** The minimum lot size shall be 20 acres.
- c)** The total maximum floor area utilized for conference and meeting facilities and restaurant and banquet facilities shall not exceed 1,000 square feet for every four acres of lot area up to a maximum of 20,000 square feet.
- d)** A maximum of ten guest rooms and ten campsites shall be permitted for the first 20 acres of lot area. Additional guest rooms and campsites shall be permitted at a ratio of one additional guest room and one additional campsite for every five additional acres of lot area.
- e)** All new buildings, parking, loading, camp sites, recreation areas, and other outdoor use areas shall be set back a minimum of 150 feet from property lines, and shall be buffered in accordance with the requirements of this Ordinance.
- f)** Recreational uses incidental and subordinate to the rural retreat use are permitted and may include: swimming pools and related facilities, boating facilities, tennis and other sports courts,

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<sup>37</sup> We would like to discuss the minimum lot size and level of review for rural retreats with the Steering Committee.

equestrian facilities, picnic areas, golf courses and related facilities, ball fields, children's play equipment, and passive recreational facilities.

- g)** Noise generated by the use, as measured at any property line, shall not exceed 40 decibels (dB) between the hours of 11:00 PM and 8:00 AM, and shall not exceed 50 decibels (dB) at any other time.
- h)** All outdoor lighting shall adhere to all requirements of Section <>, Outdoor Lighting.
- i)** Parcels must have public road frontage equal to the lot width of the applicable zoning district. Access must be provided directly from the road frontage.

**(6) Rural Retreats – Limited (Revised Section 4400 AA)**

- a)** The minimum lot size shall be 15 acres.
- b)** The total floor area of buildings utilized for the retreat use shall not exceed 5,000 square feet.
- c)** Overnight lodging (including camping) shall not be permitted.
- d)** The use may only operate between the hours of 7:00 AM and 8:00 PM.
- e)** All new buildings, parking, loading, recreation areas, and other outdoor use areas shall be located a minimum of 100 feet from property lines, and shall be buffered in accordance with the requirements of this Ordinance.
- f)** Recreational uses incidental and subordinate to the rural retreat use are permitted and may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ball fields, children's play equipment, and passive recreational facilities.
- g)** Noise generated by the use, as measured at any property line, shall not exceed 50 decibels (dB).
- h)** Any exterior lighting shall adhere to all requirements of Section <>.
- i)** Parcels must have public road frontage equal to the lot width of the applicable zoning district. Access must be provided directly from the road frontage.
- j)** Facilities may only be utilized by employees, members, or affiliates of the owner.

**(7) Private Recreational Centers (Existing Section 4400 P)**

- a)** If included as part of a subdivision, the facility may only be located in common open space.
- b)** Private recreational clubs, not exclusively for the use of residents in a subdivision, shall require a Special Use approval from the BZA.
- c)** In all cases, private recreational centers shall require a Major Site Plan review pursuant to Section <>, Major Site Plans.
- d)** The parking area shall be located outside of all setbacks and required bufferyards.
- e)** The facility shall meet the same minimum setback requirements as residences in the subdivision.
- f)** Any structures for the facility must be in scale and architectural style compatible with residences in the subdivision.

**(8) Recreational and Athletic Facilities, Indoor**

- a)** The minimum lot area shall be two acres.
- b)** A minimum of 25 percent of the lot shall be maintained as landscaped areas or open space.
- c)** Principal buildings shall be set back a minimum of 50 feet from all property lines.

**(9) Recreational and Athletic Facilities, Outdoor**

- a)** The minimum lot area shall be five acres.
- b)** All outdoor activity areas (e.g., ball fields, swimming pools, including the decks, and similar uses) shall be set back a minimum of 200 feet from all property lines.
- c)** The use of outdoor lighting and/or sound systems shall be limited to the hours of 10:00 a.m. to 10:00 p.m.

**(10) Stadiums and Arenas**

- a)** The minimum lot area shall be ten acres.
- b)** A minimum of 20 percent of the lot shall be maintained as landscaped areas or open space.
- c)** Principal buildings shall be set back a minimum of 500 feet from all property lines.
- d)** New stadiums and arenas shall take primary access from an arterial road as established in the Major Thoroughfare Plan.
- e)** The use of outdoor lighting and/or sound systems shall be limited to the hours of 10:00 a.m. to 10:00 p.m.

**(11) Convenience Stores with Gasoline Sales (Existing Section 4400 C)**

- a)** All major repair services shall be performed within a completely enclosed building and shall be subject to the standards of automobile and machinery repair pursuant to Section <>.
- b)** All fuel pumps and service islands shall meet the dimensional standards of the applicable zoning district.
- c)** The outermost edges of all protective canopies shall comply with all setback requirements of the applicable zoning district.
- d)** When the principal building is within 75 feet of a residential use, all vehicles, refuse and vehicle parts shall be stored within a completely enclosed building or within an area which is completely visually screened from those residences.
- e)** Where a proposed fuel pump or service island abuts a residential use, the minimum setback shall be 50 feet from the property line adjacent to the residential use.
- f)** Pumps, underground fuel storage tanks, and islands (with or without canopies) shall be set back a minimum of 25 feet from any street or property line. Entrances and exits to streets from properties containing one or more of these uses shall set back a minimum of 100 feet from any intersection.

**(12) Mixed Use/Multi-Tenant Developments**

- a)** Developments consisting of multiple principal uses shall incorporate only those use types allowed in the applicable zoning district.
- b)** When principal uses within a development fall within different use categories, each principal use shall be classified in the applicable use category and each use is subject to all specific standards applicable to that use type.
- c)** When determining peripheral buffer requirements for parcels with multiple principal uses, the proposed use that requires the most extensive buffer according to Section <> shall govern.
- d)** The presence of a home occupation and/or a residential business in conjunction with a residential use shall not constitute a mixed use/multi-tenant development.

**(13) Retail Sales and Service, Extensive (Existing Section 4400 B)**

- a)** Any outside display of vehicles for sale or storage shall meet the required setback for the district along the front property line.
- b)** Uses that fall under the definition of “automobile and machinery repair” shall comply with Section <>, Automobile and Machinery Repair, in addition to the provisions of this Section.
- c)** All stored vehicles awaiting repair shall be maintained behind the building and completely screened from view of all public roads and adjacent properties.

**d) Large Scale Extensive Retail Sales and Service Standards**

Extensive retail sales and service uses that exceed 50,000 square feet shall comply with the following standards in addition to any other applicable regulations in this Ordinance:

- i)** The use shall take primary access from an arterial road as established in the Major Thoroughfare Plan.
- ii)** There shall be a minimum 200 foot setback for any loading areas that directly face a residential property line.
- iii)** All other areas of the building shall have a minimum setback of 100 feet from a residential property line.
- iv)** Parking lots shall be set back a minimum of 25 feet from all property lines.
- v)** Outdoor storage, including garden centers, lumberyards, or other storage that may be enclosed by a fence, shall be set back a minimum of 75 feet from all property lines and may only be permitted to the side or rear of the principal structure.<sup>38</sup>

**(14) Self-Service Storage (Existing Section 4520 Z)**

- a)** There shall be a minimum lot area requirement of five acres.
- b)** There shall be a minimum setback of 150 feet between all residential property lines and all buildings related to the self-service storage use.
- c)** All driveways, parking, loading and circulation areas shall be paved with concrete, or asphaltic material.
- d) Fencing and Screening**
  - i)** If fencing is utilized, it shall meet the minimum setback requirements of the applicable zoning district.
  - ii)** A masonry screen wall shall be required around the perimeter of the storage area. All storage units with access from the exterior of the building shall be located behind the screen wall unless otherwise approved by the BZA or Planning Director (as applicable). However, ornamental gates may be used for ingress and egress. Additionally, a total of 30 linear feet of ornamental fencing may be allowed adjacent to the primary customer ingress and egress gates.
  - iii)** Outdoor storage is permitted with the exception of inoperative vehicles.
  - iv)** All required landscaping shall be located outside of any fencing area.
- e)** The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage

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<sup>38</sup> This provision may be altered to remove conflicts between the standards and any outdoor storage requirements that will be part of the Module 3 review.

areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.

- f) A commercial accessory dwelling unit may be permitted in connection with office/watchman purposes.

**(15) Automobile and Machinery Repair**

- a) The minimum lot area shall be two acres.
- b) All buildings shall be set back a minimum of 50 feet from all property lines and 100 feet from all property lines that are adjacent to a residential property.
- c) All vehicles or materials awaiting use or repair shall be stored in an area completely screened from view of the street and adjacent property at the rear of the building.
- d) All driveways, parking, loading and circulation areas shall be paved with concrete, or asphaltic material.<sup>39</sup>
- e) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Local, State, and Federal requirements.
- f) There shall be no above ground storage of gasoline, diesel fuel, or oil.

**(16) Truck Stops**

- a) The minimum lot area shall be five acres.
- b) Truck stops may include fuel sales, one truck scale, and a convenience store, restaurants, and vehicle repairs.
- c) Truck stops shall be subject to the standards of Section <>, Convenience Stores with Gasoline Sales.

**(17) Bed and Breakfast Establishments<sup>40</sup> (Revised Section 4520 Y)**

- a) All such facilities shall be required to obtain all applicable permits to serve food and beverages.
- b) A bed and breakfast use must be conducted by the resident of the establishment.
- c) The number of rooms available to rent on a nightly basis shall be limited to five.
- d) Only one meal service shall be provided to paying guests.

**(E) INDUSTRIAL USES**

**(1) Rock Quarries and Mining Operations (Revised Sections 4520 P and PP)**

The following provisions shall apply to rock quarries and mining operations.

**a) Purpose**

The purpose of this Section is to control rock quarries and mining operations so as to minimize conflicts with adjacent land uses and to ensure that the land where the uses are located is restored at the completion of the quarrying or mining operation.

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<sup>39</sup> This language may be revised or removed based on standards for parking and circulation areas in Module 3.

<sup>40</sup> We removed the tenancy requirements because they would be difficult to enforce.

**b) Conformance to State and Federal Regulations**

All aspects of the rock quarry, or mining operation shall conform to applicable State and Federal regulations.

**c) Permitted Uses**

In addition to the principal use of rock quarries and mining, the following uses may be approved as part of a Special Use approval:

- i) The removal, crushing, washing, refining, borrowing, or processing of material.
- ii) In rock quarries, the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
- iii) The manufacturing of concrete building blocks or other similar blocks, if conducted on the site, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes that might be related to the extractive operations.

**d) Performance Standards**

**i) Geotechnical Assessment**

A geotechnical assessment must be prepared by a qualified engineer and submitted as part of the Special Use application.

**ii) Operational Plan**

- A. Extractive operations shall be conducted as to have no adverse impact on intermittent or perennial streams.
- B. Initial stripping operations and mining shall be conducted so as to facilitate backfilling and grading to approximately the original or rolling topography, and elimination of all high walls, spoil piles, and water-collecting depressions.
- C. Operators will conduct their operations so as to minimize adverse effects to streams.

**iii) Area and Setback Requirements**

- A. There shall be a minimum lot area of 20 acres for rock quarries and any mining of sand and gravel.
- B. All structures and activities shall be set back a minimum of 200 feet from all property lines.
- C. All structures and activities, except parking, fencing, and offices, shall be set back a minimum of 1,000 feet from a residential property line in existence on the date the Special Use application is received by the Community Development Department.
- D. Quarrying or mining operations shall be set back a minimum of 50 feet from all rights-of-way lines of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

**iv) General Mitigation Requirements**

- A.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize noises, dust and vibrations adversely affecting the surrounding property.
- B.** All motorized equipment utilized for a permitted quarrying or mining operation shall be subject to the performance standards of Section <>.
- C.** Control measures shall be implemented on a continuing basis, during the time that the fill is being deposited on site, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.
- D.** The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable State and Federal law.
- E.** All blasting activities shall be conducted in accordance with State and Federal regulations.
- F.** Safety fencing shall be required around all of the quarrying or mining operations.

**v) Haul Roads and Traffic**

- A.** The proposed location of all haul roads shall be shown in the Operational Plan. The haul roads shall be identified on the site by visible markings prior to commencement of construction and during operation.
- B.** If the haul road is to remain as a permanent road, it shall be left properly surfaced and drained for minimum maintenance by the landowner. If the road will be abandoned, it shall be graded to the approximate contour of the adjacent land and stabilized with adequate vegetation.
- C.** All haul roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced to minimize dust.

**vi) Grading**

- A.** Slopes shall not exceed a three to one (horizontal to vertical) ratio.
- B.** Grading and backfilling may be accomplished by on-site material only. No materials from off-site may be used to grade or backfill.

**e) Land Reclamation and Rehabilitation upon Closure of Facility**

- i)** A closure plan for the reclamation and rehabilitation of the site after the quarrying or mining operation is completed shall be submitted and must be approved as part of the Special Use review.
- ii)** Such closure plan shall address security measures related to access to the site, use or abandonment of haul roads, revegetation of the site, and removal of all equipment, materials, and structures.
- iii)** Within 60 days after the final termination of a quarry or mining operation (either by decision of the operator or loss of State or Federal permits) or within 60 days after abandonment of said operation for a period of six months, a Major Site Plan shall be submitted providing for the detailed final end use plan and/or open space plan for the site. Said Major Site Plan submitted shall also include geotechnical engineering data on the length of time needed for restoration work associated with the end use plan to settle sufficiently to provide a stable base for the proposed use.

**(2) Light Industrial Uses (Revised Section 4520 N)**

- a)** Light industrial uses shall be subject to the performance standards established in Section <>, Performance Standards.
- b)** All structures shall be set back a minimum of 75 feet from the property lines of any non-industrial property.
- c)** In the V or H Districts, light industrial uses including all related structures parking, fencing, storage, etc. shall be set back a minimum of 300 feet from the property lines of a historic site as defined by this Ordinance.
- d)** Uses with above-ground chemical or fuel tanks shall be considered a heavy industrial use subject to Section <>, Heavy Industrial Uses.

**(3) Heavy Industrial Uses (Revised Section 4520 O)**

- a)** Heavy industrial uses shall be subject to the performance standards established in Section <>, Performance Standards.
- b)** All structures and storage shall be set back a minimum of 150 feet from the property lines of any non-industrial property.
- c)** Above-ground chemical or fuel tanks shall be located in the rear yard and buffered in accordance with Section <>. Such tanks shall also meet all applicable State and Federal regulations.
- d)** As part of the Special Use review, the BZA may require the installation, operation and maintenance of such devices and methods of operation as may, in the opinion of the BZA be necessary to prevent or reduce odor, dust, smoke, gas, noise or similar nuisances. The BZA may impose other conditions it finds necessary including, but not limited to, the amount of open space to be provided between the heavy industrial use and surrounding properties and other standards that will prevent or reduce the injury or nuisance that might result from the proposed use to surrounding properties and neighborhoods.

**(4) Landfills, Private**

**a) Conformance to State and Federal Regulations**

All aspects of a landfill shall conform to applicable State and Federal regulations including, but not limited to those of the Tennessee Department of Environment and Conservation.

**b) Permitted Uses**

The following uses may be approved as part of a Special Use approval:

- i)** The use of a land as a sanitary landfill or other solid waste disposal facility permitted by State law;
- ii)** Mining and excavation as an accessory use to the landfill facility; and
- iii)** Methane recovery.

**c) Performance Standards**

**i) Geotechnical Assessment**

Geotechnical assessments shall be prepared by a qualified engineer and submitted as part of the Special Use application.

**ii) Operational Plan**

- A.** Landfill operations shall meet all development and performance standards of this Ordinance and all applicable Local, State and Federal regulations.
- B.** Private landfills shall be conducted as to have no adverse impact on intermittent or perennial streams.
- C.** In no case may solid waste be left uncovered for more than 24 hours.
- D.** No burning of waste or other materials shall be permitted.

**iii) Area and Setback Requirements**

- A.** There shall be a minimum lot area of 40 acres.
- B.** All structures and activities shall be set back a minimum of 200 feet from all property lines.
- C.** All structures and activities, except parking, fencing, and offices, shall be set back a minimum of 1,000 feet from a residential property line in existence on the date the Special Use application is received by the Community Development Department unless a larger setback is required by State Law.
- D.** Landfills shall be set back a minimum of 200 feet from all rights-of-way line of any existing or platted street, road or highway.
- E.** A 100-foot undisturbed and landscaped buffer shall be provided along the boundaries of the landfill.

**iv) General Mitigation Requirements**

- A.** All equipment used for the landfill operation, including any trucks that dump on the site, shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises, dust and vibrations adversely affecting the surrounding property.
- B.** All motorized equipment utilized for a permitted landfill operation shall be subject to the performance standards of Section <>.
- C.** All excavations on-site shall be graded or backfilled to assure that the excavated area will not collect and retain water.
- D.** Control measures shall be implemented on a continuing basis, during the time that the fill is being deposited on site, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.
- E.** The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable State and Federal law.
- F.** Fencing or other special measures shall be installed to prevent the spread of distribution of litter and other materials off-site and shall, at a minimum, be located at the required setback line.

**v) Odor**

The following minimum procedural steps shall be taken to abate odors:

- A.** A comprehensive program of manual and machine cleaning, combined with disinfection and vector control procedures shall be prepared in writing and submitted with the Special Use application;

- B.** A plan shall be prepared which minimizes the generation of wastewater associated with hosing down equipment, tipping areas, and platforms in the facility. Compressed air or vacuum equipment shall be used for cleaning, where feasible; and
- C.** A plan shall be prepared for effective dust collection and adequate ventilation.

**vi) Haul Roads and Traffic**

- A.** The proposed location of all haul roads shall be shown in the Major Site Plan. The haul roads shall be identified on the site by visible markings prior to commencement of construction and during operation.
- B.** If the haul road is to remain as a permanent road, it shall be left properly surfaced and drained for minimum maintenance by the landowner. If the road will be abandoned, it shall be graded to the approximate contour of the adjacent land and stabilized with adequate vegetation.
- C.** All haul roads from landfills to public highways, roads or streets or to adjoining property shall be paved or surfaced to minimize dust.

**vii) Grading**

- A.** Slopes shall not exceed a three to one (horizontal to vertical) ratio.
- B.** Grading and backfilling may be accomplished by on-site material only. No materials from off-site may be used to grade or backfill.

**d) Salvaging of Materials**

Salvaging or recycling of materials on-site shall not be permitted unless approved as a recycling center (See Section <>.) or salvage center (See Section <>.).

**e) Land Reclamation and Rehabilitation upon Closure of Facility**

Landfills shall be subject to the provisions of Section <>, Land Reclamation and Rehabilitation upon Closure of Facility.

**(5) Nontraditional Sewage Treatment and Disposal Systems - Residential**

- a)** The following requirements shall apply in the RP-I, RD-I, and SIC Districts:
  - i)** New treatment systems are only permitted when they can be classified as “Regional Systems” in accordance with the provisions in Section 1.9.4 of Article <>, Wastewater Regulations.
  - ii)** Existing systems may be expanded to serve additional development without having to be classified as a Regional System.
  - iii)** These uses shall require Major Site Plan approval by the Planning Commission (See Section <>, Site Plan Review.).
  - iv)** The application must demonstrate that sufficient land area exists to treat a minimum of 3,000 dwelling units (300 gallons per day per unit) as well as to provide the required redundant land area, when such redundant area is required by Article <>, Wastewater Regulations.
  - v)** The initial treatment system construction must be sufficient to serve at least 200 dwelling units (300 gallons per day per unit).
  - vi)** New treatment systems shall not be located within four miles of a Regional System.

- vii) If a new regional treatment system is located on a development parcel, the area required for the treatment component shall not be excluded from the base site area for density calculation purposes.
- viii) "Residential Disposal Uses," as defined in Section 1.8 of Article <>, Wastewater Regulations, may be located on a development property, but are also subject to Major Site Plan approval.
- ix) The application shall demonstrate compliance with all applicable provisions of this Ordinance.
- b) The following requirements shall apply in the RP-5 and RD-5 Districts:
  - i) New treatment and disposal systems shall only be permitted in conjunction with conservation subdivisions and may not be utilized for any new minor or major traditional subdivisions.
  - ii) These uses shall require Major Site Plan approval by the Planning Commission (See Section <>, Site Plan Review.).
  - iii) The Major Site Plan application shall demonstrate compliance with all applicable provisions of this Ordinance.

**(6) Nontraditional Sewage Treatment and Disposal Systems - Nonresidential**

- a) These uses shall require Major Site Plan approval by the Planning Commission (See Section <>, Site Plan Review.).
- b) The application shall demonstrate compliance with all applicable provisions of this Ordinance.

**(7) Recycling Drop-Off and Other Drop-Off Centers (New)**

- a) The boxes or bins shall be accessory to a permitted nonresidential use.
- b) The station shall be kept free of litter, debris, and residue.
- c) Drop-off containers and storage bins shall be set back a minimum of 50 feet from a property line of a residential use in existence at the time of the application.
- d) Drop-off containers and storage bins shall occupy no more than 1,000 square feet.
- e) The station shall not occupy or block access to required parking spaces or aisles.

**(8) Recycling Centers**

- a) There shall be a minimum lot area of five acres.
- b) All aspects of a recycling center shall conform to applicable State and Federal regulations.
- c) Any structure or activities associated with the recycling center shall be set back a minimum of 150 feet from the property line of any non-industrial use.
- d) Exterior junk piles shall not exceed 15 feet in height and shall be arranged in a manner (with drives for accessibility) for fire protection purposes.
- e) No burning of materials shall be permitted.
- f) The area of the site where recycling materials are stored outside must be enclosed by a fence with a minimum height of eight feet with the exception of entrances or exits into the area. Such fence shall be located at the required setback line.

**(9) Salvage Centers**

- a) There shall be a minimum lot area of 10 acres.

- b)** All aspects of a salvage center shall conform to applicable State and Federal regulations including, but not limited to Title 54, Chapter 20 of the Tennessee Code Annotated.
- c)** The salvage center and any structures associated with the salvage center use shall be set back a minimum of 150 feet from the property line of any non-industrial use.
- d)** Exterior junk piles shall not exceed 15 feet in height and shall be arranged in a manner (with drives for accessibility) for fire protection purposes.
- e)** No burning of junk or other materials shall be permitted.
- f)** The area of the site where junk is stored must be enclosed by a fence with a minimum height of eight feet with the exception of entrances or exits into the area. Such fence shall be designed to completely screen the salvage center and shall be located at the required setback line.

#### **(10) Trash Compaction and Transfer Stations**

##### **a) Conformance to State and Federal Regulations**

All aspects of a trash compaction facility or a transfer station shall conform to applicable State and Federal regulations including, but not limited to those of the Tennessee Department of Environment and Conservation.

##### **b) Performance Standards**

###### **i) Operational Plan**

- A.** Trash compaction and transfer operations shall meet all development and performance standards of this Ordinance and all applicable Local, State and Federal regulations.
- B.** Trash compaction and transfer stations shall be conducted as to have no adverse impact on intermittent or perennial streams.
- C.** No burning of waste or other materials shall be permitted.

###### **ii) Area and Setback Requirements**

- A.** There shall be a minimum lot area of 15 acres.
- B.** All structures and activities shall be set back a minimum of 200 feet from all property lines.
- C.** All structures and activities, except parking, fencing, and offices, shall be set back a minimum of 500 feet from a residential property line in existence on the date the Special Use application is received by the Community Development Department unless a larger setback is required by State Law.
- D.** Trash compaction and transfer stations shall be set back a minimum of 100 feet from all rights-of-way line of any existing or platted street, road or highway.
- E.** A 50-foot undisturbed and landscaped buffer shall be provided along the boundaries of the site being used for the trash compaction or transfer station.

###### **iii) General Mitigation Requirements**

- A.** All equipment used as part of the operation shall be constructed, maintained and operated in such a manner as to minimize noises, dust and vibrations adversely affecting the surrounding property.

- B.** All motorized equipment utilized for a permitted quarrying or mining operation shall be subject to the performance standards of Section <>.
- C.** Control measures shall be implemented on a continuing basis, during the time that the fill is being deposited on site, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.
- D.** The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable State and Federal law.
- E.** Safety fencing shall be required around all or portions of the property
- F.** Transfer of waste from one vehicle or container to another vehicle or container shall be done within an enclosed containment area designed to assure that waste materials do not fall onto the ground or enter the groundwater, water feature, water system, drainageway, or drainage system.

**iv) Odor**

The following minimum procedural steps shall be taken to abate odors:

- A.** A comprehensive program of manual and machine cleaning, combined with disinfection and vector control procedures shall be prepared in writing and submitted with the Special Use application;
- B.** A plan shall be prepared which minimizes the generation of wastewater associated with hosing down equipment, tipping areas, and platforms in the facility. Compressed air or vacuum equipment shall be used for cleaning, where feasible; and
- C.** A plan shall be prepared for effective dust collection and adequate ventilation.

**v) Haul Roads and Traffic**

- A.** The proposed location of all haul roads shall be shown in the Major Site Plan. The haul roads shall be identified on the site by visible markings prior to commencement of construction and during operation.
- B.** If the haul road is to remain as a permanent road, it shall be left properly surfaced and drained for minimum maintenance by the landowner. If the road will be abandoned, it shall be graded to the approximate contour of the adjacent land and stabilized with adequate vegetation.
- C.** All haul roads from trash compaction and transfer stations to public highways, roads or streets or to adjoining property shall be paved or surfaced to minimize dust.

**c) Storage**

Any storage of materials be located within a totally enclosed building.

**d) Salvaging of Materials**

Salvaging or recycling of materials on-site shall not be permitted unless approved as a recycling center (See Section <>.) or salvage center (See Section <>.).

## **Section 11.04: Accessory Uses and Structures (Revised Div. 4300)**

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### **(A) PURPOSE**

This Section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The purpose of this Section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this Section in order to reduce potentially adverse impacts on surrounding lands.

### **(B) GENERAL STANDARDS AND LIMITATIONS**

#### **(1) Compliance with Ordinance Requirements**

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance, including the district standards in Article <>: Zoning Districts, the use regulations in Article <>: Use-Specific Standards, and the development standards in Article <>: Development Standards. The provisions of this Section establish additional standards and restrictions for particular accessory uses and structures.

#### **(2) General Standards**

All accessory uses and accessory structures shall meet the following standards:

- a)** Directly serve the principal use or structure;
- b)** Be clearly incidental and subordinate to the principal use and structure;
- c)** Be owned or operated by the same person as the principal use or structure;
- d)** Be located on the same lot or parcel as the principal use or structure;
- e)** When considered in conjunction with the principal use or structure, the accessory use or structure shall not violate any provisions of this Ordinance; and
- f)** May be constructed or established so long as all required permits or approvals for the principal use have been obtained.

#### **(3) Exceptions and Exclusions**

- a)** If an accessory structure is located within 10 feet of a principal structure, whether physically attached or not, the structure shall be considered to be a part of the principal structure and shall meet the setback requirements established for the applicable zoning district.
- b)** If an accessory structure is located within 20 feet of a principal structure and is connected via roofline, the structure shall be considered to be a part of the principal structure and shall meet the setback requirements established for the applicable zoning district.

#### **(4) Minor Site Plan Review Required**

Accessory uses and structures shall be subject to Minor Site Plan review pursuant to Section <>, Minor Site Plans.

#### **(5) Table of Permitted Accessory Uses and Structures**

##### **a) Listed Accessory Uses**

Table <>, Table of Permitted Accessory Uses and Structures, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts. If a specific accessory use is allowed in a zoning district, the column underneath the zoning district is marked with a "P." If

the specific accessory use requires BZA approval as a Special Use, the column underneath the zoning district is marked with a "S." If the accessory use or structure is not allowed in a zoning district, the column is blank. If there is a reference contained in the column entitled "Additional Requirements," refer to the cited section(s) for additional standards that apply to the specific accessory use.

**b) Unlisted Accessory Uses and Structures**

If an application is submitted for an accessory use or structure that is not listed in Table <>, the Planning Director is authorized to classify the new or unlisted use or structure into an existing accessory use type that most closely fits the new or unlisted use. The Planning Director may prepare an application for an amendment to the text of this Ordinance to clarify where and how the use should be permitted.

**(6) Table of Permitted Accessory Uses and Structures**

Table <>, Table of Permitted Accessory Uses and Structures, specifies types of accessory uses and the zoning district where each type may be permitted.

TABLE 11.04-I PERMITTED ACCESSORY USES AND STRUCTURES																		
P = PERMITTED USE    S = SPECIAL USE    BLANK = PROHIBITED																		
	A	RD-5	RP-5	V	H	CGV	GV	LFV	TV	RD-I	RP-I	SIC	MGA	NC	NCMH	AP	840C	ADDITIONAL REQUIREMENTS
Accessory Dwelling Units	P	P	P	P	P					P	P	P	P	P	P		P	Section 11.04:(D)(1)
Accessory Dwelling Units, Commercial				P	P												P	Section 11.04:(D)(2)
Additional Principal Dwellings	P	P	P	P	P					P	P	P	P				P	Section 11.04:(D)(3)
Agricultural Product Sales	P	P	P	P	P					P	P	P				P	P	Section 11.04:(D)(4)
Cemeteries, Accessory		P	P	P	P					P	P	P	P	P	P	P	P	Section 11.04:(D)(5)
Day Care Centers Accessory to an Institutional Use		P	P	P	P					P	P	P	P	P	P	P	P	Section 11.04:(D)(6)
Family Child Care Homes <sup>41</sup>	P	P	P	P	P					S	S	S	S	S	S		P	Section 11.04:(D)(7)
Garages and Carports	P	P	P	P	P					P	P	P	P	P	P	P	P	
Greenhouses Accessory to a Residential Use	P	P	P	P	P					P	P	P	P	P	P	P	P	
Group Child Care Homes	S	S	S	S	S					S	S	S	S	S				Section 11.04:(D)(8)
Home Occupations	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.04:(D)(9)
Residential Businesses	S	S	S	S	S					S	S	S						Section 11.04:(D)(10)
Small-Scale Wind Energy Turbines (SWET)	P	P	P							P	P	P	P				P	Section 11.04:(D)(11)
Solar Panels	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.04:(D)(12)

<sup>41</sup> Family child care homes are currently Special Uses. We have modified the regulations to allow for "family child care homes" (as defined in the TCA) by-right and require a Special Use for the larger group child care homes.

**TABLE 11.04-I PERMITTED ACCESSORY USES AND STRUCTURES****P = PERMITTED USE    S = SPECIAL USE    BLANK = PROHIBITED**

	A	RD-5	RP-5	V	H	CGV	GV	LFV	TV	RD-1	RP-1	SIC	MGA	NC	NCMH	AP	840C	ADDITIONAL REQUIREMENTS
Stables Accessory to a Residential Use	P	P	P	P	P					P	P	P	P	P	P	P	P	
Stadiums and Arenas Accessory to an Educational Facility		P	P	P	P					P	P	P	P	P			P	
Swimming Pools	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.04:(D)(13)

**(C) LOCATION AND MAXIMUM COVERAGE OF ACCESSORY USES AND STRUCTURES**

- (1)** Accessory structures on lots with a lot area of less than five acres shall:
  - a)** Only be permitted in the rear yard;
  - b)** Be set back a minimum of 15 feet from the side property lines; and
  - c)** Be set back a minimum of 15 feet from the rear property line.
- (2)** Accessory structures on lots with a lot area of five acres or more shall:
  - a)** Be set back a minimum of 200 feet from the front property line;
  - b)** Meet the minimum side yard setback as established for residential structures in the applicable district or, if located in the rear yard, be set back a minimum of 15 feet from the side property lines; and
  - c)** Be set back a minimum of 15 feet from the rear property line.
- (3)** No single accessory structure shall be larger than 75 percent of the total square footage of the principal structure or 2,000 square feet, whichever is less.
- (4)** In no instance shall accessory uses and structures cover more than 20 percent of the lot area.

**(D) SPECIFIC STANDARDS FOR CERTAIN ACCESSORY USES AND STRUCTURES****(1) Accessory Dwelling Units (Revised Section 4600 E)**

- a)** Accessory dwelling units may be constructed within an existing dwelling unit (interior apartment) or as a separate or converted accessory structure (e.g., converted garage, carriage house, or stable).
- b)** Only one accessory dwelling unit, regardless of the number of principal dwellings located on a single parcel, may be permitted.
- c)** Accessory dwellings shall be limited in size to 750 square feet or 25 percent of the square footage of the principal dwelling, whichever is greater. In no case shall the accessory dwelling be more than 75 percent of the square footage of the principal dwelling.
- d)** Accessory dwellings classified as mobile homes by the terms of this Ordinance are only allowable in zoning districts in which mobile homes are allowed.
- e)** The applicant shall record a deed restriction with the Register of Deeds that states no additions to the accessory dwelling will be permitted unless the property and the structure can meet the current dimensional requirements for division of the property. A copy of the recorded deed

restriction shall be provided to the Community Development Department prior to obtaining an approved Zoning Certificate and Building Permit.

- f) Interior apartments may be contained within the existing house or attached onto the exterior. However, they are to be constructed so that the exterior appearance of a single-family home is maintained. A second front door is not permitted. Any additions to the existing living quarters must comply with all the dimensional requirements of the applicable zoning district.

**(2) Accessory Dwelling Units, Commercial (Revised Section 4400 D)**

- a) Only one commercial accessory dwelling unit shall be permitted on a single parcel.
- b) Commercial accessory dwellings shall be limited in size to 750 square feet.
- c) The accessory dwelling unit shall be located within the interior of the principal structure.
- d) The use of the accessory dwelling unit shall be limited to use by of the owner or employees of the commercial use.

**(3) Additional Principal Dwellings (Revised Section 4400 X)**

Additional, separate, single-family dwellings located on the same parcel as another single-family dwelling may be permitted in accordance with the following:

- a) There may be a maximum of four additional dwellings, for a total of five principal dwellings on any given parcel.
- b) Principal dwellings on the same parcel must be set back a minimum of 100 feet from each other.
- c) For the second principal dwelling, the parcel must meet the density and dimensional standards for the applicable zoning district.
- d) In order to have a third principal dwelling, the parcel must have a minimum lot area of 25 acres.
- e) In order to have a fourth principal dwelling, the parcel must have a minimum lot area of 50 acres.
- f) In order to have a fifth principal dwelling, the parcel must have a minimum lot area of 100 acres.
- g) The applicant shall record a deed restriction with the Register of Deeds office stating that any subdivision of property will meet minimum dwelling setbacks for each principal building, that the property, if and when it is subdivided in the future, will meet the density and dimensional standards for the zoning district in which it is located, and that the proposed division of property will meet the requirements of the Williamson County Subdivision Regulations. A copy of the recorded deed restriction shall be provided to the Community Development Department prior to obtaining an approved Zoning Certificate for each additional principal dwelling.

**(4) Agricultural Product Sales**

- a) The use must be operated in association with an existing agricultural use with a minimum lot area of 15 acres. The use must be located on the same property as the associated agricultural use or on adjoining property under the same ownership as the agricultural use.
- b) The use may not exceed 1,000 square feet in size and must be located within a permanent structure.
- c) A minimum of 51 percent of the product display area must be devoted to a product(s) grown on the associated farm.
- d) The use may include food preparation utilizing products produced on the associated farm.

- e) The use must comply with the applicable building code and permitting requirements as well as all applicable regulations related to the treatment and disposal of wastewater.

**(5) Cemeteries, Accessory (New)**

- a) Cemeteries that are accessory to institutional uses are allowed where there is a minimum lot area of 20 acres for both the principal use and the cemetery use.
- b) Cemeteries as an accessory use shall only be permitted when accessory to an institutional use.
- c) Cemeteries shall be subject to all applicable standards of Title 46 of the Tennessee Code Annotated and any other applicable Local, State, or Federal regulations.

**(6) Day Care Center Accessory to an Institutional Use (Existing Section 4600 D)**

- a) The day care center shall obtain a license to operate the facility from all required Local, State, or Federal authority including, but not limited to, the Tennessee Department of Human Services.
- b) The maximum number of children or adults the center may service is 100.
- c) No day care center shall be established under these provisions on a parcel of record in a major subdivision.
- d) No day care center shall be established under these provisions in a institutional use that meets in a structure which was originally a residence.
- e) The exterior building material used for any new structure for a day care center approved under these provisions shall be similar in character, scale, and materials to other structures in its immediate vicinity.
- f) All play areas shall be fenced and set back from side and rear yards a minimum of 40 feet.
- g) The minimum lot area shall be two acres.
- h) Adequate buffering shall be provided between play areas and residential lots in accordance with Section <>.
- i) All refuse shall be contained in completely enclosed facilities and located to the rear of the building.
- j) Only one sign shall be permitted in addition to existing institutional use sign. Such sign shall not exceed 10 square feet in sign area nor exceed four feet in height.
- k) Accessory day care centers must demonstrate that adequate wastewater capacity exists to serve the day care use.

**(7) Family Child Care Home (Revised Section 4600 C)**

- a) The applicant shall obtain a license to operate the facility from all required Local, State, or Federal authority including, but not limited to, the Tennessee Department of Human Services.
- b) All outside areas must be fenced and be set back from side and rear property line by a minimum of 40 feet. Play areas shall contain a minimum of 50 square feet per child.
- c) The minimum lot area shall be one acre.
- d) All refuse shall be contained in completely enclosed facilities and located to the rear of the buildings.

**(8) Group Child Care Homes (New)**

- a) The applicant shall obtain a license to operate the facility from all required Local, State, or Federal authority including, but not limited to, the Tennessee Department of Human Services.

- b)** All outside areas must be fenced and be set back from side and rear property lines by a minimum of 40 feet. Play areas shall contain a minimum of 50 square feet per child.
- c)** The minimum lot area shall be one acre.
- d)** All refuse shall be contained in completely enclosed facilities and located to the rear of the buildings.
- e)** One sign shall be permitted provided it does not exceed two square feet in sign area.

**(9) Home Occupation (Revised 4400 N)**

- a)** Persons utilizing their home office space secondarily to another primary office (e.g., working from home during off-hours or telecommuting) shall not be subject to these home occupation regulations.
- b)** Following approval of the home occupation, the applicant shall obtain a Business License from Williamson County when such license is required.
- c)** Home occupations may be conducted in any single-family dwelling unit.
- d)** Up to two home occupations are allowed per single-family dwelling unit except where a residential business is located on the parcel, in which case only one home occupation shall be permitted.<sup>42</sup>
- e)** The home occupation shall only be conducted inside the dwelling and not in any accessory building.
- f)** Each home occupation shall be conducted by a resident of the dwelling and each home occupation shall be permitted to employ one additional person on-site.
- g)** Home occupations shall not exceed more than 25 percent of the total square footage of the dwelling.
- h)** The residence used for home occupation shall not be a storage facility for a business conducted elsewhere, nor shall any products be manufactured on the site other than arts or crafts produced by hand.
- i)** No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible.
- j)** Only one sign shall be permitted provided it does not exceed two square feet in sign area.
- k)** See Section <>, Residential Business, for additional standards related to residential businesses.

**(10) Residential Business (Revised Section 4500 M)**

- a)** The residential business shall be conducted entirely within the dwelling or in an accessory building.
- b)** Only one residential business may be operated on a single parcel. One additional home occupation may be permitted on the same parcel in accordance with the provisions of Section <>.
- c)** The minimum lot area shall be five acres.
- d)** The residential business shall be owned and operated by a resident of the principal dwelling. No more than three other persons shall be employed on-site in the residential business or in the residential business and home occupation combined (when both occur on the same parcel).

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<sup>42</sup> This provision allowing two home occupations is in response to numerous comments about how there have been a number of requests for two home occupations (e.g. a husband and wife that each have a business).

- e) Residential businesses may not serve as a gathering place for additional employees engaged in the business that takes place off the premises.
- f) **Size Limitations**
  - i) If conducted within the principal dwelling, no more than 25 percent of the total square footage of the dwelling shall be used.
  - ii) The portion conducted within an accessory structure shall meet the following:
    - A. Such structure shall not exceed 2,000 square feet in floor area or 75 percent of the total square footage of the principal dwelling, whichever is less.
    - B. In addition to the principal dwelling, only one accessory structure shall be utilized.
    - C. The accessory structure where the residential business is conducted shall meet all applicable accessory structure setbacks.
  - iii) Where a residential business and home occupation are located on the same parcel, the total floor area for both the uses shall not exceed that which is allowed in Paragraphs (i) and (ii) above.
- g) The residential business may contain a storage facility for a business conducted elsewhere, provided such storage is inside an enclosed building.
- h) All materials, goods or equipment incidental to the residential business shall be stored within the approved building or within a fenced area. Outdoor storage shall be:
  - i) Buffered in accordance with Section <>;
  - ii) Located in the rear yard;
  - iii) Set back a minimum of 40 feet from the property lines;
  - iv) Screened so as not to be visible from any public street or adjoining property; and
  - v) A maximum of 2,000 square feet in total area.
- i) No more than one residential business shall be permitted on a single parcel. In addition to the residential business, one home occupation may be permitted provided it meets the provisions of Section <>, Home Occupations.
- j) Only one sign shall be permitted provided it does not exceed three square feet in sign area.
- k) All activities and work shall be conducted inside the approved building, and noise levels shall not exceed those required under Section <> at the property lines.<sup>43</sup>
- l) Residential businesses may contain storage for vehicles used off-site provided such vehicles are stored out of view of all public streets and adjoining properties. Storage of tractor trailers, semi-trucks, or any other heavy equipment (e.g., construction equipment) shall be prohibited.
- m) **Permitted Residential Businesses**

The following are the only uses in (11.01-1) that are permitted:

  - i) Home recording studios;
  - ii) Offices;
  - iii) Personal service establishments;
  - iv) Automobile and machinery repair; and
  - v) Light industrial.

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<sup>43</sup> We have moved the industrial performance standards to the article on development standards.

**(11) Small-Scale Wind Energy Turbines (SWET)**

- a)** SWETs may be located on lots with a minimum area of one acre or more unless the proposed turbine is attached to a building and the turbine (to the top of the blades) does not exceed the maximum building height requirement of the applicable zoning district.
- b)** The maximum height of a stand-alone SWET shall be 150 feet from natural grade to the top of an extended rotor blade.
- c)** All portions of a SWET support structure must meet the setback requirements for the applicable zoning district.
- d)** A SWET must be setback from all property lines by an area equal to or exceeding the distance of the fall zone.
- e)** Only a single tower and single turbine shall be permitted on a property. Multiple turbines may be permitted with Special Use approval (See Section <>) if attached to a building and if the diameter of the rotor is less than eight feet.
- f)** Climbing access to the tower structure shall be limited by
  - i)** Placing fixed climbing apparatus no lower than 10 feet from the ground; and
  - ii)** Placing a six-foot fence or shielding around the SWET.
- g)** Small-scale wind energy systems shall be of a scale intended for on-site power consumption and shall not be designed to produce energy to sell to electric providers. This regulation shall not prohibit a property owner that is installing a small-scale wind energy system from connecting to the local electric system if mandated by the electric provider for the purposes of safety.<sup>44</sup>

**(12) Solar Panels**

Solar panels that are attached to principal buildings or accessory structures shall be permitted provide such panels do not exceed the maximum height requirements established in the applicable zoning district. Such solar panels shall not require a Zoning Certificate.

**(13) Swimming Pools (Existing Section 4300 E)**

Swimming pools as an accessory use shall be fenced as a safety precaution and shall meet the following specifications.

- a)** The fence shall be a minimum of four feet high and shall encompass the pool area to prevent unauthorized entry.
- b)** The bottom of the fence shall be constructed no more than four inches from the ground (finished grade) level.
- c)** Openings in the fence shall not permit the passage of a four inch sphere.
- d)** The fence shall be permanently constructed, maintained, and made of durable materials. Temporary safety measures such as fences erected by using "T" fence posts and made of nylon webbing, chicken wire, and other similar materials shall not meet this standard.
- e)** Access gates shall meet the same minimum standards as outlined above for fences, open outward away from the pool, and shall be self-closing and self-latching.
- f)** Fences shall be required and maintained for the life of the swimming pool.
- g)** The sides of an above-ground swimming pool may constitute compliance with the fencing standards if:

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<sup>44</sup> Many electric providers require that you tie connect your wind turbine to the local electric system for safety purposes.

- i) The entire area around the outside of the pool measures four feet from ground (finished grade) level to the top of the pool; and
- ii) If the ladder or steps can be secured, locked, or removed to prevent unauthorized access to the pool. If these standards are not met, a fence shall be installed as specified above.

## Section 11.05: Temporary Uses and Structures (Revised Div. 4200)

### (A) PURPOSE

This Section allows for the establishment of certain temporary uses, structures, and events for a limited duration of time provided.

### (B) TABLE OF PERMITTED TEMPORARY USES AND STRUCTURES

Table 11.05-I summarizes the temporary uses and structures that are allowed within the County and any general or specific standards that apply to the specified temporary use or structure. Temporary uses or structures not listed in Table 11.05-I are prohibited.

TABLE 11.05-I: PERMITTED TEMPORARY USES AND STRUCTURES																		
P = PERMITTED USE    S = SPECIAL USE    BLANK = PROHIBITED																		
	A	RD-5	RP-5	V	H	CGV	GV	LFV	TV	RD-1	RP-1	SIC	MGA	NC	NCMH	AP	840C	ADDITIONAL REQUIREMENTS
Acceptance of Fill Material	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.05:(D)(1)
Borrow Pit	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.05:(D)(2)
Contractor's Office and Construction Equipment Sheds	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.05:(D)(3)
Firework Sales				P	P												P	Section 11.05:(D)(4)
Produce Stand/Seasonal Sales				P	P												P	Section 11.05:(D)(5)
Real Estate Sales Office/Model Home Sales	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.05:(D)(6)
Special Events - Extensive Impact	S	S	S	S	S					S	S	S	S	S	S	S	S	Section 11.05:(D)(7)
Special Events - Limited Impact	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.05:(D)(8)
Temporary Asphalt, Asphalt Reprocessing Plants, or Rock Quarries	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.05:(D)(9)
Temporary Shelter	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.05:(D)(10)
Temporary Storage in Portable Shipping Containers	P	P	P	P	P					P	P	P	P	P	P	P	P	Section 11.05:(D)(11)
Temporary Structures Related to Institutional Uses	P	P	P	P	P							P					P	Section 11.05:(D)(12)

**(C) PROHIBITED TEMPORARY USES**

Without limiting the standards of this Ordinance, the following activities are prohibited in all districts:

- (1)** Retail sales or display of goods, products, or services within the public right-of-way.
- (2)** Retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container except as may be authorized as part of a permitted produce stand and seasonal sales use.

**(D) SPECIFIC STANDARDS FOR CERTAIN TEMPORARY USES AND STRUCTURES**

**(1) Acceptance of Fill Materials**

- a)** The acceptance of fill material onto a property shall constitute a temporary use unless:
  - i)** The acceptance of the material is undertaken as part of a development that has been approved as a Minor or Major Site Plan in accordance with Article <>, Site Plan Review; or
  - ii)** The area of land that will be used or disturbed for the purpose of accepting the fill material has a total area of 10,000 square feet or less.
- b)** The acceptance of fill material shall not be considered an agricultural use.
- c)** The acceptance of fill material subject to these provisions shall be required to submit an application for a Land Disturbance Permit in accordance with the Williamson County Storm Water Management Regulations.

**d) Performance Standards**

**i) Dust**

Control measures shall be implemented on a continuing basis, during the time that the fill is being deposited on site, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.

**ii) Traffic**

No trucks associated with the depositing of the fill material may be parked or stored on-site for a period longer than 24 hours.

**iii) Final Slopes**

Final slopes shall be graded, contoured, or terraced, wherever needed, sufficient to achieve soil stability and control landslides, erosion and sedimentation.

**iv) Soil Erosion Sedimentation Control**

The area of land affected shall be resoiled, wherever needed, with topsoil or suitable subsoil, fertilizer, lime, or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.

**(2) Borrow Pit**

The following provisions apply to any borrow pit not otherwise regulated by Title 59 of the Tennessee Code Annotated or classified as use type under the Extractive Industry Use Category in Table <>.<sup>45</sup>

- a)** A borrow pit associated with any on-site use shall not constitute a temporary use when undertaken as part of a development approved as a Minor or Major Site Plan in accordance with Article <>, Site Plan Review;
- b)** Borrow pits shall be subject to the resource protection standards of Article <>, Resource Protection Standards.
- c)** Borrow pits shall be set back a minimum of 50 feet from all property lines and 150 feet from any residential property line.
- d)** Borrow pits shall not occupy or cover more than 25 percent of any lot area where the lot is under 10 acres nor occupy or cover more than 10 percent of any lot area where the lot is 10 acres or larger.
- e)** Borrow pits shall not have any slope that is greater than two feet horizontal to one foot vertical (2:1 ratio).
- f)** Prior to excavation, the applicant shall obtain a Land Disturbance Permit in accordance with the Williamson County Storm Water Management Regulations.
- g)** Upon approval of a Land Disturbance Permit, but prior to excavation, the applicant shall be responsible for installing a fence with a minimum height of six feet around the borrow pit and shall, at a minimum, be located at the required setback lines. Such fence shall include “no trespassing” signs located at intervals of 200 feet or less.
- h)** No blasting shall be permitted as part of borrow pit operations.
- i)** Borrow pits shall be subject to the performance standards set forth for the acceptance of fill materials in Section <>.
- j)** Borrow pits shall only be permitted on sites with a minimum lot area of ten acres and shall not be located within a major subdivision.
- k)** Borrow pits shall take access from an arterial or collector road as established in the Major Thoroughfare Plan.
- l)** Permits for a borrow pit shall be valid for three months with a one time, three-month extension that may be approved by the Planning Director.

**(3) Contractor’s Office and Construction Equipment Sheds (Existing Section 4200 D 3)**

- a)** The use must be incidental to an on-going construction project.
- b)** Up to one office and one shed may be permitted on a single site.
- c)** The office or shed shall not contain sleeping or cooking accommodations.
- d)** The office or shed shall be removed upon completion of the construction project.
- e)** Any gravel or pavement area shall be revegetated after completion of construction.

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<sup>45</sup> Does the County want to exempt borrow pits if they are smaller than a certain size (e.g., less than the 10,000 square foot threshold established for acceptance of fill material)?

**(4) Fireworks Sales (Revised Section 4200 D 2)**

- a)** The proposed structure shall be set back a minimum of 250 feet from all residential property lines.
- b)** The proposed structure shall be set back a minimum of 500 feet from all other structures used for firework sales.
- c)** The Temporary Use Permit shall be valid for a period of 15 days in any one six-month time period and shall be limited to times around New Year's Day and the Fourth of July holidays.
- d)** A business license is required for firework sales.
- e)** A notarized statement from the property owner shall be provided that specifies the location of the sales and duration of time the fireworks sale is authorized on the property. The statement shall also state that the property owner consents to the fireworks sale.
- f)** Firework sales shall be subject to Minor Site Plan review (See Section <>, Site Plan Review) for each time period a permit is requested.
- g)** An application for a firework sales use shall be submitted no later than 30 days prior to the first day of proposed operation.

**(5) Produce Stand/Seasonal Sales (Revised Section 4200 D 8)**

- a)** All temporary signs shall be affixed to the stand and, when added together, shall not exceed 35 square feet in sign area. The sign(s) may contain the name of the stand but shall only contain advertising that pertains to the produce sold at the stand. Such signs shall not require the issuance of a Sign Permit.
- b)** The stand shall not be located within any right-of-way and shall be set back a minimum of 10 feet from the paved surface of any public street.
- c)** The stand shall conform to the sight distance requirements as set forth in Section <>.
- d)** One off-street parking space shall be provided for every 300 square feet of sales or display area, and in no case shall there be less than two parking spaces provided. Parking shall be arranged so that no vehicle backs out into the street and to prevent vehicles from parking within the street right-of-way.
- e)** The Temporary Use Permit shall be valid for six months per calendar year.
- f)** A notarized statement from the property owner shall be provided that specifies the location of the sales and duration of time the produce stand or seasonal sales is authorized on the property. The statement shall also state that the property owner consents to the produce stand or seasonal sales.

**(6) Real Estate Sales Office/Model Home Sales (Existing Section 4200 D 6)**

- a)** The use must be incidental to a development approved in accordance with the Williamson County Zoning and Subdivision Regulations. A model home may be used as a temporary sales office.
- b)** The temporary office shall be removed when Building Permits have been issued for 95 percent of those lots within the development that has been recorded in the Register of Deeds office.

**(7) Special Events – Extensive Impact****a) General**

The procedures and standards of this Subsection shall apply to all special events (including but not limited to cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses, and

communal camping) held on private property within the County, unless exempted in accordance with Section <> Exemptions.

**b) Mass Gatherings**

The applicant must demonstrate that the event has met all licensing requirements outlined in the Tennessee Code Annotated, Title 68, Chapter 112, if required, as well as those requirements outlined in this Section.

**c) Exemptions**

The following events or activities are exempt from the standards of this Subsection (i.e., may occur without a Temporary Use Permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance.

- i) Any event sponsored in whole or in part by a Local, State, or Federal government.
- ii) Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or commercial cemeteries; religious services, wedding services, and funeral services conducted at religious institutions.

**d) Standards**

- i) In addition to the standards in Section <>, General Standards for Temporary Uses and Structures, and the general standards for Special Uses (See Section <>.), an application for a special event shall comply with the following standards:
  - A. The application shall not contain intentionally false or materially misleading information.
  - B. The special event shall not create an unreasonable risk of significant:
    - 1. Damage to public or private property, beyond normal wear and tear;
    - 2. Injury to persons;
    - 3. Public or private disturbances or nuisances;
    - 4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
    - 5. Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and
    - 6. Other adverse effects upon the public health, safety, or welfare.
  - C. The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.
  - D. The special event shall not occur at a time and location that has already been permitted or reserved for another special event-extensive impact or special event-limited impact.

- ii) The applicant shall provide a copy of the application material to the County's Sheriff's Department, the County's Emergency Communications Department, the County's Emergency Management Department, the applicable fire department, and other appropriate agencies and departments as determined by the Planning Director for review. The applicant shall provide proof the application has been submitted to each, and such notice shall be provided to the Planning Department at the time of submittal.
- iii) In the review of the application, the Board of Zoning Appeals, will require the following specific criteria, as applicable, be met:
  - A. Potable water, meeting all applicable Local, State, and Federal standards for purity, must be available at a rate of one gallon per person per day for the maximum number of people attending the event, as identified on the Site Plan.
  - B. Separate enclosed toilets for male and female attendees, meeting all applicable Local and State standards, sufficient to provide for the maximum number of people attending the event, shall be provided at a rate of one toilet for every 200 females and one toilet for every 300 males.
  - C. Solid waste facilities must be available at a rate sufficient to dispose of the solid waste production for the maximum number of people attending the event at a rate of 2.5 pounds per person.
  - D. Parking shall be provided on-site at a rate of one space per four persons, based on the maximum number of people attending the event.
  - E. If the event is to continue during the hours of darkness, illumination sufficient to light the entire event at a rate of at least five footcandles shall be provided. However, the measurement at the property line cannot exceed one footcandle.
  - F. Security guards shall be provided at a rate of one security guard for every 750 people attending the event based on the maximum number of people attending the event.
  - G. A minimum buffer of 200 feet shall be established around the perimeter of the event in which no activity associated with the event can take place except for ingress/egress of the site. The intent of this buffer is to minimize any visual or audio impact on adjacent properties.
  - H. Hours of operation for the event are generally limited to the hours of 10:00 a.m. to 10:00 p.m., unless overnight camping is an approved component of the event. Should the BZA find that varying from the time restrictions will be in the public interest and does not have an adverse effect on the neighboring properties, then the BZA may permit activities to begin at an earlier time.
  - I. Any sound amplification shall be subject to the standards of Section <> (Noise Performance Standards).

**e) Conditions**

In approving the special event, the BZA is authorized to impose such conditions as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area. Such conditions may include, but are not limited to, conditions that address the following:

- i) Provision of adequate vehicular ingress and egress.
- ii) Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.

- iii) Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
- iv) Provision of medical facilities.
- v) Modification or elimination of certain proposed activities.

**(8) Special Events – Limited Impact**

- a) Any event that includes one or more of the following shall be classified as a special event-extensive impact, subject to Section <>:

- i) Sale of alcoholic beverages;
- ii) Attendance of over 750 people;
- iii) Overnight camping; or
- iv) Exceeds two consecutive days.

- b) There shall be a maximum of four events per calendar year on a single parcel or site.

**c) Exemptions**

The following events or activities are exempt from the standards of this Subsection (i.e., may occur without a Temporary Use Permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance.

- i) Any event sponsored in whole or in part by a Local, State, or Federal government.
- ii) Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or commercial cemeteries; religious services, wedding services, and funeral services conducted at religious institutions.

**(9) Temporary Asphalt, Asphalt Reprocessing Plants, or Rock Quarries (Existing Section 4200 D 9)**

- a) Such facilities shall be permitted only in conjunction with County, State, or Federal highway road improvements in Williamson County.
- b) A use that does not meet the criteria in (a) above shall not be considered as a temporary use and shall only be permitted in accordance with the requirements of Section <>(Rock Quarries) or Section <>(Heavy Industrial Uses).

**(10) Temporary Shelter (Existing Section 4200 D 7)**

When fire or natural disaster has rendered a single-family dwelling unfit for human habitation, or when a property owner desires to live on site while the primary residence is being constructed, temporary shelter shall be permitted so long as the following are met:

- a) In cases where fire or natural disaster has occurred, the following shall apply:
- i) The following structures shall be allowed as a temporary shelter:
    - A. Recreational vehicles and travel trailers;
    - B. Housing units provided by State or Federal agencies; and
    - C. Mobile homes.

- ii) A Temporary Use Permit may be issued for a period of one year.
  - iii) The Planning Director is authorized to grant a renewal of the Temporary Use Permit for two additional six-month periods. No renewal shall be issued unless a building permit has been issued and construction has begun on the permanent structure.
  - iv) The temporary shelter must be served by approved water and sewage disposal facilities.
  - v) If a mobile home is used, it shall meet all the standards of Section <> (Mobile Homes).
  - vi) The temporary shelter shall be removed from the property upon cessation of use for residential purposes or issuance of the occupancy permit for the new principal dwelling, whichever occurs first.
- b)** In cases where the property owner desires to live on-site while the primary residence is being constructed, the following shall apply:
- i) The following structures shall be allowed as a temporary shelter:
    - A.** Recreational vehicles and travel trailers; and
    - B.** Mobile homes.
  - ii) The Building Permit for the primary residence must be issued prior to the issuance of the Temporary Use Permit for the temporary shelter.
  - iii) A Temporary Use Permit may be issued for a period of one year.
  - iv) The Planning Director is authorized to grant a renewal of the Temporary Use Permit for one additional six-month period. No renewal shall be issued unless construction has begun on the permanent structure.
  - v) The temporary shelter must meet the setback requirements of the applicable zoning district.
  - vi) The temporary shelter must be served by approved water and sewage disposal facilities.
  - vii) If a mobile home is used, it shall meet all the standards of Section <> (Mobile Homes).
  - viii) The temporary shelter shall be removed from the property upon cessation of use for residential purposes or issuance of the occupancy permit for the new principal dwelling, whichever occurs first.
- c)** In all cases, the applicant shall be required to provide express written consent authorizing Williamson County to remove the shelter at the owner's expense upon termination of the permit.

#### **(11) Temporary Storage in Portable Shipping Containers**

Temporary storage in a portable shipping container shall be permitted for the purposes of temporary storage subject to the following standards:

- a)** Storage containers may not exceed 160 square feet in size or be taller than eight feet.
- b)** Containers shall be located within a driveway, parking, or loading area.
- c)** A maximum of one container may be permitted on a single parcel.
- d)** The temporary storage may be permitted for a period of 30 consecutive days. The Planning Director is authorized to grant a renewal of the Temporary Use Permit for up to one additional 30-day period.

#### **(12) Temporary Structures Related to Institutional Uses**

- a)** The structure shall be located in the side or rear yard and at least 10 feet from the principal building.

- b)** The structure may be placed in a parking lot but shall not reduce the number of parking spaces to a number below what is required by Section <>, Off-Street Parking and Loading.
- c)** The structure shall be surrounded by skirting or other methods to prevent unauthorized access underneath the structure(s).
- d)** The temporary structure may be permitted for a period of two years. The Planning Director is authorized to grant a renewal of the Temporary Use Permit for up to two additional one-year periods. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than four years.
- e)** Following removal of a temporary structure, the area shall be restored to its original condition unless a plan for new construction in the subject location has been approved.

# Article 23: Nonconformities<sup>96</sup>

## Section 23.01: Nonconformities Generally

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### (A) PURPOSE

Upon adoption of this Ordinance, there will exist certain uses of land, structures, parcels of record, and signs that were lawfully existing but will hereafter no longer conform to this Ordinance's terms and requirements. The purpose and intent of this Section is to regulate the continued existence of those uses, structures, parcels of record, and signs that do not conform to the provisions of this Ordinance, or any amendments thereto.

### (B) APPLICABILITY

Any lawful use of land or structure existing on the effective date of this Ordinance, or subsequent amendment thereto that is located in a zoning district in which it would not be permitted as a new use, or where the structure or lot does not comply with the applicable dimensional standards, is declared to be a legal nonconformity.

### (C) AUTHORITY TO CONTINUE

Nonconformities are allowed to continue in accordance with the requirements of this Section.

### (D) BURDEN OF PROOF

The burden of establishing that any nonconformity is a legal nonconformity, as defined by this Ordinance, shall, in all cases, be upon the owner of the nonconforming use, lot, structure, or sign, and not upon the County.

### (E) EXCEPTION DUE TO VARIANCE OR OTHER MODIFICATION

The requirements of this Section shall not apply to a development standard or feature that is the subject of an approved Variance or a condition of a Special Use. Where a Variance or condition of a Special Use has been granted for a development standard or feature that does not otherwise conform to the requirements of this Ordinance, that development standard or feature shall be deemed conforming.

### (F) MINOR REPAIRS AND NORMAL MAINTENANCE; RESTORATION TO A SAFE CONDITION

- (1) Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, parcels of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, parcel of record, or sign. For the purposes of this Subsection, "minor repair or normal maintenance" shall mean:
  - a) Repairs necessary to maintain a nonconforming use, structure, parcel of record, or sign in a safe condition;
  - b) Maintenance of lot or site areas to protect against health hazards and to promote the safety of surrounding uses.
- (2) Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition. Such restoration shall not be in violation of the various provisions of this Article prohibiting the repair or restoration of partially damaged or destroyed structures or signs.

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<sup>96</sup> This entire article is a completely revised and expanded version of the current Division 9900.

**(G) CHANGE OF TENANCY OR OWNERSHIP**

Changes of tenancy, ownership, or management of an existing nonconformity are permitted but shall continue to be subject to the requirements of this Subsection.

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## **Section 23.02: Nonconforming Uses**

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**(A) CHANGE OF USE**

- (1)** A nonconforming use may be changed to a conforming use in accordance with the applicable requirements in this Ordinance, but in no event shall a nonconforming use be converted to another nonconforming use or replace an abandoned or discontinued nonconforming use.
- (2)** An ongoing, legal nonconforming commercial use may apply to the BZA for a change of use to another commercial use as allowed in the Hamlet District. This change of use will require Special Use approval by the BZA. Such change of use shall only be authorized when the proposed new use will have the same or a lesser impact on surrounding uses and shall meet the standards applicable to the Hamlet District.
- (3)** A nonconforming use type classified under the Extractive Industry Use Category may not be changed to a nonconforming disposal use or vice versa.
- (4)** No use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure has ceased or been removed, unless the accessory portion conforms to all regulations of this Ordinance. This Paragraph shall prevail over any other provisions of this Ordinance that may be interpreted to the contrary.
- (5)** Nonconforming industrial or commercial uses shall be subject to Section <>.

**(B) EXPANSION AND ENLARGEMENT OF NONCONFORMING USE**

- (1)** Except where otherwise allowed by Tennessee Code Annotated, nonconforming uses shall not be enlarged more than 20 percent of the total square footage of buildings and structures existing at the time the use became legally nonconforming unless such alteration will bring the use into full compliance with all requirements of this Ordinance. Such expansions or enlargements shall meet all applicable dimensional requirements of this Ordinance.
- (2)** Except where otherwise allowed by Tennessee Code Annotated, nonconforming use types classified under the Extractive Industry Use Category and nonconforming salvage center use types, however, may not be expanded in any manner.
- (3)** Nonconforming industrial or commercial uses shall be subject to Section <>.

**(C) DISCONTINUANCE OR ABANDONMENT**

- (1)** Nonconforming use types under the Extractive Industry Use Category and nonconforming salvage center uses shall not be permitted to renew operations once the use is discontinued or abandoned for six months or more.
- (2)** All other nonconforming uses that have ceased for three years or greater shall be assumed to be abandoned, regardless of any intent to resume or not to abandon the use, and the use shall be completely terminated. Any new use of the land or structure shall be in conformity with the applicable zoning district.
- (3)** Nonconforming industrial or commercial uses shall be subject to Section <>.

**(D) NONCONFORMING USES AND FLOODPLAINS**

Nonconforming uses in special flood hazard areas shall comply with Section <>, Floodplain Management.

**(E) NONCONFORMING MOBILE HOMES**

- (1)** A nonconforming mobile home that has been abandoned or not used for six months or longer shall be assumed to be abandoned, regardless of any intent to resume or not to abandon the use, and shall be completely terminated.
- (2)** A nonconforming mobile home may be removed from a property and replaced by another mobile home provided that the new mobile home is installed within six month of removal of the previous mobile home.

**(F) NONCONFORMING ACCESSORY USES**

A nonconforming use that is accessory to a principal use shall not make the principal use nonconforming.

**(G) CONTINUATION OF NONCONFORMING USE AFTER CASUALTY DAMAGE**

- (1)** If a nonconforming use is destroyed, or partially destroyed and a Building Permit is not obtained within 18 months, then the structure or use shall not be rebuilt, restored, or reoccupied for any purpose unless it shall thereafter conform to all regulations of this Ordinance.
- (2)** Nonconforming industrial or commercial uses shall be subject to Section <>.

**(H) NONCONFORMING USE OF PART OF A STRUCTURE**

A nonconforming use in one part of a structure shall not affect the status of conforming uses in other parts of the same structure.

**(I) RELOCATION OF A NONCONFORMING USE**

A nonconforming use shall not be relocated, in whole or in part, to any other location in the County unless it is to a parcel where the use will be conforming in accordance with the applicable zoning district.

**(J) NONCONFORMING INDUSTRIAL OR COMMERCIAL USES**

- (1)** Industrial or commercial uses that become nonconforming under this Ordinance shall be permitted to continue in operation provided there is no change in the use of land.<sup>97</sup>
- (2)** Industrial or commercial uses that become nonconforming under this Ordinance shall be permitted to expand operations and construct additional facilities that involve an actual continuance and expansion of the activities of the industry or business that existed prior to the effective date of this Ordinance provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.
- (3)** Industrial or commercial uses that become nonconforming under this Ordinance shall be permitted to demolish the present buildings and structures and then reconstruct new facilities necessary to the conduct of such industry or commercial use that existed prior to the effective date of this Ordinance provided, that no destruction and rebuilding shall occur which shall act to change the use classification of the land as it was classified prior to the effective date of this Ordinance.<sup>98</sup>
- (4)** The provisions of Subsection (I) apply only to the land area owned and in use by such affected business, and does allow for the expansion of the nonconforming industrial or commercial use through the acquisition of additional land.<sup>99</sup>
- (5)** Except as provided in Subsection (I), the provisions of Subsection (I) shall not apply if an industrial or commercial use ceases to operate for a period of 30 continuous months and the industrial or

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<sup>97</sup> This language is taken from TCA 13-7-208 (b)(1) with simplification of the text.

<sup>98</sup> This language is taken from TCA 13-7-208 (d).

<sup>99</sup> This language is taken from TCA 13-7-208 (e).

commercial use of the property did not conform with the land use classification as denoted in the applicable zoning district. Anytime after the 30 month cessation, any use proposed to be established on the site shall conform to the provisions of this Ordinance. For the purposes of this Subsection, the 30-month period of continuous ceased operation shall be tolled by:

- a) The period in which an industrial or commercial use is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;
  - b) Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within 30 months of cessation of continuous use;
  - c) The filing of an application for a building permit for the alteration, renovation or reconstruction of a structure which is nonconforming or of a structure in which or out of which a nonconforming industrial or commercial use operates or is located; or
  - d) The reactivation of the nonconforming use any time prior to the end of the 30 month period provided, however, that the restrictions of Subsections (5) and (6) shall only apply if the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government has the burden of proving an overt act of abandonment in such matter.
- (6) Notwithstanding the provisions of Subsection (3), any structure rebuilt on the site must conform to the provisions of the applicable zoning district in regards to setbacks, height, or other dimensional standards.
- (7) Notwithstanding Subsections (1) through (6), Subsection (5) shall not apply to any industrial establishment location where 25 percent or more of the gross annual sales from such location are derived from sales to or contracts with Local, State, or Federal governments or as a subcontractor to contracts with Local, State, or Federal governments, or to any industrial establishment location where 75 percent or more of the gross annual sales from the location are made to agriculture or construction businesses.

## Section 23.03: Nonconforming Structures

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### (A) RELATIONSHIP WITH NONCONFORMING USES

Where a nonconforming structure houses a nonconforming use, the regulations for nonconforming structures and nonconforming uses shall both apply. In case of conflict, the rules for nonconforming uses shall prevail.

### (B) ENLARGEMENT<sup>100</sup>

A nonconforming structure may be expanded by 25 percent of the total floor area as it exists on the effective date of this Ordinance provided that the expansion does not increase the nonconformity.

### (C) GOVERNMENTAL ACQUISITION OF A PORTION OF A PARCEL

Governmental acquisition of a portion of a parcel for a public purpose that results in reduction in a required yard or building setback below that required in Article <>, Zoning Districts, shall not render the structure legally nonconforming.

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<sup>100</sup> The Steering Committee needs to discuss the enlargement of nonconforming structures and whether to allow the enlargement under certain circumstances.

**(D) CONTINUATION OF NONCONFORMING STRUCTURE AFTER CASUALTY DAMAGE<sup>101</sup>**

In the event a nonconforming structure is damaged or destroyed, it may be rebuilt to its previous level of nonconformity so long as the Building Permit is obtained within 12 months after the date the damage or destruction occurred.

**(E) RELOCATION OF A NONCONFORMING STRUCTURE**

A nonconforming structure shall not be relocated, in whole or in part, to any other location on the parcel or in the County unless, once relocated, the structure will be conforming in accordance with the applicable zoning district.

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## **Section 23.04: Nonconforming Lots**

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**(A) DEVELOPMENT PROHIBITED**

No use or structure shall be established on a lot of record that does not conform to the standards established in this Ordinance, except in accordance with this Subsection.

**(B) UNIMPROVED NONCONFORMING PARCEL OF RECORD**

If a nonconforming unimproved parcel of record was part of a subdivision or other division of land evidenced by plat or deed, or both, recorded prior to <> <insert effective date of this Ordinance>, any use allowed in the applicable zoning district may be developed on the lot, even though the lot does not meet the minimum lot area, or minimum lot width established in Article <>: Zoning Districts provided that the development conforms to all other requirements of this Ordinance.

**(C) GOVERNMENTAL ACQUISITION OF A PORTION OF A LOT OR PARCEL**

Governmental acquisition of a portion of a lot or parcel for a public purpose that results in a reduction in lot area, lot width, or setbacks below that are required in Article <>, Zoning Districts, shall not render the lot or parcel legally nonconforming.

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## **Section 23.05: Nonconforming Signs**

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**(A) ENLARGEMENT**

Nonconforming signs shall not be enlarged, extended, or modified, except where otherwise allowed by the Tennessee Code Annotated.

**(B) REPLACEMENT, RECONSTRUCTION, OR RELOCATION**

A nonconforming sign shall not be replaced, reconstructed, or relocated in whole or in part to any other location on the same or any other parcel unless the replaced, reconstructed, or relocated sign conforms to the provisions of this Ordinance.

**(C) TERMINATION OF NONCONFORMING SIGNS**

- (1)** Nonconforming signs shall not be changed, expanded, or altered in any manner that would increase the degree of nonconformity, prolong the useful life, or be moved in whole or in part to any other location where it would remain nonconforming, except where otherwise allowed by the Tennessee Code Annotated.

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<sup>101</sup> Does the County want to explore prohibiting the recommencement of a nonconforming use if the structure it is located in is destroyed completely, regardless of a rebuilding timeframe?

**(2) Termination by Damage or Destruction**

Any nonconforming sign damaged or destroyed, by any means, to the extent of one-third of its replacement cost, shall be terminated and shall not be restored.

**(3) Termination by Change of Business**

Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in text of the sign.

**(4) Termination by Discontinuance of Business**

Signs that advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be terminated and shall not be restored.

**(D) TERMINATION BY ABANDONMENT**

Any nonconforming sign, the use of which as a sign is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this Ordinance, except where otherwise allowed by the Tennessee Code Annotated. Abandonment shall, in this Section, mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

# Article 24: Enforcement

## Section 24.01: Purpose (New)

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This Article establishes procedures by which the County seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this Article are intended to encourage the voluntary correction of violations, where possible.

## Section 24.02: Compliance Required (New)

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Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the County.

## Section 24.03: Violations (New)

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Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by State law:

- (A) To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the County without all of the required permits, certificates, or other forms of authorization as may be set forth in this Ordinance, or other applicable laws, to conduct or engage in such activity.
- (B) To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the permit, certificate, or other form of authorization granted for such activity by the County.
- (C) To violate, by act or omission, any term, condition or qualification placed by the County upon a required permit, certificate or other form of authorization granted by the County to allow the use, development or other activity upon land or improvements.
- (D) To erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation or contravention of any zoning, subdivision, or general regulation of this code or any amendment thereto.
- (E) To violate any other term, condition, standard, or requirement of this Ordinance or any other applicable law.
- (F) To continue any of the above-stated violations. Each day of a violation shall be considered a separate offense.

## Section 24.04: Responsible Persons (New)

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The owner, tenant, or occupant of any land or structure, or an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance or other applicable laws may be held responsible for the violation and subject to the remedies and penalties set forth in this Article.

## **Section 24.05: Enforcement Generally (Modified Div. 11000)**

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**(A) RESPONSIBILITY FOR ENFORCEMENT**

The Codes Compliance Director or Building Codes Director (as appropriate) shall be responsible for enforcing the provisions of this Ordinance in accordance with the Tennessee Code Annotated.

**(B) COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. The complaint, stating fully the cause and basis, shall be filed at the Community Development Department office. Such complaint shall be properly recorded, investigated, and appropriate action taken as provided by this Ordinance.

**(C) INSPECTIONS**

On presenting proper credentials, the Codes Compliance Director or the Building Codes Director (as appropriate) shall have the power to enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance.

**(D) ENFORCEMENT PROCEDURE**

The Codes Compliance Director or the Building Codes Director (as appropriate), may institute enforcement proceedings as deemed appropriate and as authorized pursuant to this Ordinance and/or applicable State law.

## **Section 24.06: Revocation of Permits<sup>102</sup>**

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- (A)** All Zoning Certificates and permits outlined in this Ordinance shall be revocable, subject to continued compliance with all requirements and conditions of this and other applicable laws and regulations.
- (B)** Any permit or certificate issued in conflict with the provisions of this Ordinance shall be null and void.
- (C)** The Codes Compliance Director shall be responsible for the revocation of any permit or certificate if they determine that a permit is no longer in compliance with the requirements and conditions of this Ordinance, conditions of approval, or other applicable laws and regulations.
- (D)** The Codes Compliance Director may institute revocation proceedings as deemed appropriate and as authorized pursuant to this Ordinance and/or applicable State law.

## **Section 24.07: Penalties and Remedies (Existing Div. 11100 and 11200)**

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- (A)** Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, may be fined not less than ten dollars nor more than fifty dollars for each offense in accordance with Section 13-7-11 of the Tennessee Code Annotated. Each day that a violation is permitted to exist shall constitute a separate offense.
- (B)** In addition to the foregoing, civil enforcement proceedings may be initiated to ensure compliance with this Ordinance.
- (C)** Payment of the fine shall not constitute compliance.

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<sup>102</sup> This language was found in many of the existing permit review procedures and it was determined that the language should be maintained in the enforcement procedure, applicable to all permit approvals.

# Article 25: Definitions<sup>103</sup>

## Section 25.01: Purpose

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It is the purpose of this Article to define words, terms, and phrases contained in this Ordinance.

## Section 25.02: General Rules for Interpretation

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The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

### (A) MEANINGS AND INTENT

- (1) All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.03: General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of this Ordinance gives a different meaning than the general definition provided in this Article 1: Definitions, the specific section's meaning and application of the term shall control.
- (2) Lot shall mean parcel and parcel shall mean lot.

### (B) HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### (C) LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### (D) COMPUTATION OF TIME

The time in which an act is to be completed shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated.

### (E) REFERENCES TO OTHER REGULATIONS OR PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### (F) DELEGATION OF AUTHORITY

Any act authorized by this Ordinance to be carried out by a specific official of the County may be carried out by a designee of such official.

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<sup>103</sup> As we produce the three distinct modules of the draft Zoning Ordinance, we will build upon the list of definitions. Initially, the definitions provided in this draft module are those related to the draft text of Module 1, Administration and Procedures.

**(G) TECHNICAL AND NON-TECHNICAL TERMS**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**(H) PUBLIC OFFICIALS AND AGENCIES**

All public officials, bodies, and agencies to which references are made are those of Williamson County, Tennessee, unless otherwise indicated.

**(I) MANDATORY AND DISCRETIONARY TERMS**

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

**(J) CONJUNCTIONS**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** “And” indicates that all connected items, conditions, provisions or events apply; and
- (2)** “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

**(K) TENSES AND PLURALS**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

**(L) TERMS NOT DEFINED**

If a term used in this Ordinance is not defined in this Article, the Planning Director shall have the authority to provide a definition through the Interpretation procedure (See Article 9: Interpretations.) based upon the definitions used in accepted sources, including but not limited to A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

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## **Section 25.03: Rules of Measurement**

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**(A) PURPOSE**

The purpose of this Section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

**(B) DISTANCE MEASUREMENTS, GENERALLY**

Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points.

**(C) LOT MEASUREMENTS**

**(1) Lot Area**

The area of a lot includes the total horizontal surface area within the lot’s boundaries.

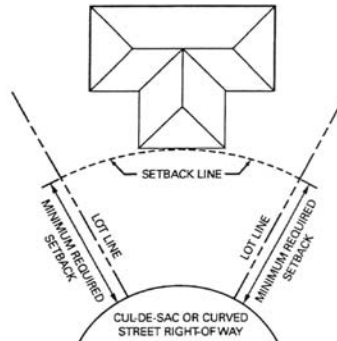
**(2) Lot Width**

**a)** Lot width is the distance between the side property lines measured along the front property line and shall be maintained to the minimum front yard setback line.

**b) Cul-de-Sac<sup>104</sup>**

For a cul-de-sac lot, the lot width shall follow the curve of the front property line and the lot width shall be measured at the front yard setback line.

DETERMINING SETBACK LOCATION ON A CUL-DE-SAC LOT



**(D) SETBACKS AND YARDS**

**(1) Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located except as otherwise expressly allowed in Section <>, Permitted Encroachments into Required Setbacks.

**(2) Front Yard Setback**

**a) Front Yard Setback and Streets**

- i) The front yard shall be the distance between the street right-of-way line and the required minimum front yard setback line.
- ii) Except where delineated on a plat of a subdivision, where there are multiple street frontages, the yard fronting a street towards which the front of the primary structure faces shall be considered to be a front yard and shall meet the minimum front yard setback.
- iii) If it is not clear which street a structure faces, consideration shall be given to which side of a structure includes the primary entrance and (for existing structures) which street provides the structure's street address.

**b) Measurement**

- i) The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.
- ii) If there is no right-of-way boundary, the setback shall be measured from the following:

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<sup>104</sup> All graphics will eventually be labeled with a caption and cross-referenced in the text.

- A.** Arterial Street: Mandated right-of-way line as established in the Williamson County Major Thoroughfare Plan
- B.** Collector Street: 30 feet from the street centerline
- C.** Other: 25 feet from the street centerline
- D.** If an easement or private road is used for access, the setback shall be measured from the closest edge of the easement.

**c) Double Frontage Lot**

A double frontage lot shall provide a front yard setback on both streets. The remaining yards shall meet the side yard setback requirements.

**d) Corner Lot**

- i)** Buildings located on corner lots may have a side yard facing a street. This side yard shall be a minimum of one-half (0.5) of the minimum front yard setback in the applicable zoning district.
- ii)** If an easement or private road is used for access, the setback shall be measured from the closest edge of the easement.

**(3) Side Yard Setback**

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side property line.

**(4) Rear Yard Setback**

The rear yard setback shall extend the full width of the lot and shall be measured from the rear property line.

**(E) HEIGHT MEASUREMENT AND EXCEPTIONS**

**(1) Height Measurements**

Building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.

**(2) Height Limit Exceptions**

- a)** Height limits for wireless telecommunication are established by Section <>, Wireless Telecommunication Facilities.
- b)** Height limits shall not apply to chimneys, church spires, belfries, cupolas, domes, flag poles, monuments, water towers, rooftop dish antennas, or similar appurtenances, provided:
  - i)** The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
  - ii)** The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in Section <>, Screening.

## Section 25.04: Definitions<sup>105</sup>

### **ABUTTING OR ADJACENT**

The land, lot, or property adjoining the property in question along a property line or separated only by an alley, easement, or street.

### **ACCEPTANCE OF FILL MATERIAL**

The acceptance of any substance or material, such as (by way of illustration) earth, clay, sand, concrete, rubble, wood chips, bark, or waste of any kind, that is placed, stored, or dumped upon the ground resulting in an increase and/or change in the natural surface elevation. The acceptance of fill material is considered a temporary use that is not associated with any use type that is classified under the Extractive Industry Use Category in Table <>.

### **ACCESSORY DWELLING UNITS**

A separate, complete dwelling unit that has its own kitchen, sleeping area, and full bathroom facilities. Accessory dwelling units may be contained within or added on to a principal dwelling, be part of an accessory building (e.g., attached to a garage), or the accessory dwelling unit may be a separate structure.

### **ACCESSORY DWELLING UNITS, COMMERCIAL**

A separate, complete dwelling unit with a kitchen, sleeping area, and full bathroom facilities that is associated with a commercial use.

### **ACCESSORY EQUIPMENT (RELATED TO WIRELESS TELECOMMUNICATION FACILITIES)**

Equipment serving or being used in conjunction with a “telecommunication facility or support structure.”

### **ACCESSORY FACILITY OR STRUCTURE (RELATED TO WIRELESS TELECOMMUNICATION FACILITIES)**

An accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

### **ADDITIONAL PRINCIPAL DWELLING**

An additional principal dwelling unit located on a single parcel where no subdivision has occurred and where allowed pursuant to Section <>, Accessory Uses and Structures.

### **ADULT-ORIENTED ESTABLISHMENT**

Adult-oriented establishment as used in this Ordinance shall have the same meaning as the term “adult-oriented establishment” as used in Section 7-51-1102 of the Tennessee Code Annotated, and in construing this term, the definitions contained in Section 7-51-1102 (1) through (6) of the Tennessee Code Annotated, as amended, are likewise incorporated by reference and made a part of this Ordinance.

### **AFFIDAVIT OF COMPLIANCE**

A statement of agreement to abide by the conditions of the approval of site plans, special use permits, or other approved uses that do not require bonds to ensure compliance. The affidavit shall be signed by the recipient of the permit and notarized.

### **AGENT**

A person with express written consent to act upon another person’s behalf.

<sup>105</sup> Those definitions highlighted in grey are ones that relate to Modules 1 and 2. Those that are not highlighted are pertinent to Module 3 or are ones that we have identified as requiring a revisit upon Module 3.

#### **AGGRIEVED PARTY**

A person with a standing to appeal that is injuriously affected by a decision from any review or decision-making body of the County, including any officer or agent of the County.

#### **AGRICULTURAL**

The definition of agriculture as set forth herein shall be applicable to the term wherever it appears in this Ordinance, unless a different definition is specifically made applicable to the Article, Section, or Subsection in which the term appears.

- The land, buildings, and machinery used in the commercial production of farm products and nursery stock;
- The activity carried on in connection with the commercial production of farm products and nursery stock;
- As used in this definition of agriculture, the term "farm products" means forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber, or fur; and
- As used in this definition of agriculture, the term "nursery stock" means all trees, shrubs, or other plants, or parts of such trees, shrubs or other plants, grown or kept for, or capable of, propagation, distribution or sale on a commercial basis.

#### **AGRICULTURAL DIRECT MARKET BUSINESS**

A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market businesses may include enterprises such as PYO (pick-your-own) operations, and operations in which delivery of products is made directly to consumers, such as "farm share" arrangements under which periodic delivery of farm products is made for a subscription fee.

#### **AGRICULTURAL PRODUCT SALES**

A retail establishment that is located within a permanent structure, operated in association with an agricultural use, and which predominantly sells and markets agricultural products grown/produced on the associated farm.

#### **AGRI-TOURISM AND EDUCATION FACILITIES**

Any structure, land, or combination thereof used for tourism or educational purposes as it relates to an active agricultural use. Agri-tourism relates to activities that focus on the visitation of farms by allowing visitors to experience farm life or providing a service to visitors that showcases and sales the yield or products grown on the farm. Uses that fall under this definition include, but are not limited to, farm markets, homegrown restaurants, and participatory farms. Agri-education relates to instruction about crop production, livestock management, soil and water conservation, and various other aspects of agriculture.

#### **AIRPORTS, LANDING STRIPS, AND HELIPORTS, PRIVATE**

Any privately owned land and related structures designed, used, or intended for use for the landing and take-off of aircraft that is licensed and approved as necessary by State and Federal authorities. Such airport, landing strip, or heliport, shall only be open for use by the property owner and shall not include any commercial activities.

#### **AIRPORTS, LANDING STRIPS, AND HELIPORTS, PUBLIC**

Any publicly owned land and related structures designed, used, or intended for use for the landing and take-off of aircraft that is licensed and approved as necessary by State and Federal authorities. Such airport, landing strip, or heliport is open for use for commercial activities (e.g., passenger service) and open to the general flying public.

### **ANIMAL BOARDING FACILITIES**

Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, fowl, or other domestic animals, but excluding animals used for agricultural purposes.

### **ANIMAL HOSPITAL OR VETERINARIAN CLINIC OR ANIMAL GROOMING**

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a boarding facility shall be limited to short-time stays and shall be only incidental to the veterinarian facility. Such use type shall also apply to facilities that provide grooming and general care services to animals.

### **ANIMAL HOSPITAL OR VETERINARIAN CLINIC WITH ANIMAL BOARDING**

An establishment that includes both an animal hospital or veterinarian clinic and animal boarding facility, each as defined herein.

### **ANTENNA**

Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

### **APPEAL**

An Appeal of an administrative decision made by County staff, reviewed and considered by the BZA in accordance with Section 5.03: Appeal.

### **APPLICANT**

A person who is authorized by the provisions of this Ordinance to file an application. See also the definition for "agent."

### **APPLICATION**

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate County department, board, or commission as part of the review for an application.

### **ARTERIAL ROAD OR STREET**

Roads that are intended to provide for connectivity between or within communities or to and from collectors and expressways. For the purposes of this Ordinance, an arterial road or street is any roadway listed as such by the Major Thoroughfare Plan<sup>106</sup> or Section <> (Traffic Capacity Analysis) herein.

### **AUTHORIZED AGENT**

A person, authorized in writing by the property owner, to represent and act for a property owner in contacts with County staff and review board in matters related to an application or this Ordinance.

### **AUTOMOBILE AND MACHINERY REPAIR**

Any building or establishment primarily engaged in the repair and maintenance of automobiles, motorcycles, farm machinery, trailers, or similar vehicles including but not limited to, body, fender, muffler, or upholstery work, oil changes, lubrication, tire services, painting, and installation of aftermarket accessories.

### **AUTOMOTIVE AND MACHINERY RENTAL OR SALES**

Any building or establishment primarily engaged in the sale or leasing of automobiles, motorcycles, farm machinery, trailers, or similar vehicles and machinery.

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<sup>106</sup> Is this the formal name of the County's thoroughfare plan or is there another document we need to reference?

#### **AUXILIARY DISPOSAL SITE**

The auxiliary disposal sites are land or parcels that may be used for effluent disposal and may have other uses. Higher levels of treatment are required for auxiliary disposal sites. These sites shall provide opportunities for beneficial reuse of the treated effluent.

#### **BACK-UP WASTEWATER DISPOSAL SITE**

Back-up wastewater disposal sites or secondary disposal site is the back-up land or parcels used to provide a redundant wastewater disposal site, in the event the primary wastewater disposal site does not provide proper or adequate wastewater disposal. The back-up wastewater disposal site shall be established in the initial approval process and shall be owned by the wastewater treatment system.

#### **BANK OR FINANCIAL INSTITUTION**

Establishments engaged in deposit banking. Banks and financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

#### **BAR OR TAVERN**

An establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

#### **BASE SITE AREA<sup>107</sup>**

The area of a site, as determined by an actual on-site survey, within a single zoning district (if more than one district is present they should be treated as separate parcels) less:

- Any land within the ultimate right-of-way of existing roads;
- Existing utility rights-of-way for pipelines or high tension lines;
- Any land that has been cut-off from the main parcel by a highway, rail-line, or stream so that common access and use is impossible, and where separate uses are not feasible;
- Any land that is subject to any covenants, easements, or restrictions against building except for areas included solely in either stream, drainageway, flood plain, or wetland preservation and/or restoration easements that are held in perpetuity by a non-profit organization or agency with IRS 501 C 3 status devoted to such matters;
- Any required bufferyards (See Division <>); and
- Any land utilized as a wastewater treatment system, storage lagoon, land disposal and back-up disposal, as defined by Article <> (Wastewater Regulations).

#### **BED AND BREAKFAST**

A resident-managed and resident-occupied residential structure used as a lodging establishment where up to five rooms are rented on a nightly basis and in which breakfast is the only meal and is included as part of the basic compensation.

#### **BLOCK**

A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barriers to the continuity of development.

#### **BLOCK FACE**

That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting street.

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<sup>107</sup> We will revisit this definition after discussion of Module 3.

## **BONDABLE IMPROVEMENTS<sup>108</sup>**

### **BORROW PIT**

An area from which soil or other unconsolidated material is removed to be used, without further processing, as fill for activities such as landscaping, building construction, or roadway construction and maintenance.

### **BUFFER ZONE (RELATED TO WASTEWATER DISPOSAL AND REGULATIONS)**

Minimum distance from the wetted “disposal field” site area to a property line, habitable structure, water well, right-of-way line, water course or other location.

### **BUILDING**

A structure built, maintained, or intended for use for the support, shelter, or enclosure of persons, animals, or property of any kind or any occupancy or storage. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

### **BUILDING LINE**

A line that runs parallel and adjacent to the primary building façade.

### **BUILDING PERMIT**

A permit reviewed and approved, approved with conditions, or denied by the Building Codes Director in accordance with Section 8.03: Building Permit.

### **BUILDING, PRINCIPAL**

A building in which the main or principal use of the lot or parcel is conducted, or which is intended to be conducted, is located.

### **BZA**

The Williamson County Board of Zoning Appeals.

### **CEMETERIES**

Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Funeral homes shall be included when operated within the boundary of such cemetery.

### **CEMETERIES, ACCESSORY**

A portion of a lot that is dedicated to the burial of the dead that is accessory to a religious institution and that may include mausoleums, necessary sales, and maintenance facilities.

### **CEMETERIES, FAMILY BURIAL GROUNDS**

A portion of a lot that is dedicated to the burial of the dead that is accessory to a residential dwelling unit and that does not include any associated uses found in commercial cemeteries such as crematoriums, mausoleums, necessary sales, and maintenance facilities.

### **CLUBS OR LODGES**

Buildings or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

### **COLLECTOR ROAD OR STREET**

Collector roads and streets connect local streets to the highway system’s arterial roads or provide access to nonresidential uses and arterial streets as provided in the Williamson County Major Thoroughfare Plan.

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<sup>108</sup> To be defined during Module 3.

**CO-LOCATION**

The act of placing Telecommunication Equipment on an already existing tower or other established structure being used as a telecommunication structure.

**COMMERCIAL IMPRACTICABILITY OR COMMERCIALLY IMPRACTICABLE**

The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.

**COMMUNITY GARDENS**

A private or public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

**COMPLETED APPLICATION**

An application that has been determined to be complete in accordance with Section 3.06: Determination of Application Completeness.

**COMPREHENSIVE PLAN**

The most recently adopted version of the Williamson County Comprehensive Land Use Plan.

**CONFERENCE CENTER**

A building or complex of buildings that is used as a conference center and may include auditoriums, meeting rooms, exhibition space, and banquet facilities.

**CONGREGATE ASSISTED LIVING CENTERS**

A shared residential living environment for six or more elderly residents that includes assistance with daily activities such as dressing, grooming, and bathing.

**CONGREGATE INDEPENDENT LIVING CENTERS**

A shared residential living environment for six or more elderly residents where there are individual dwelling units that contain a kitchen, sleeping area, and bathroom facilities where there may be facilities for group activities or meals but assistance is not required for daily activities. See also the definition for “congregate assisted living centers.”

**CONSERVATION SUBDIVISION<sup>109</sup>**

The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation, agricultural, recreational, or other rural purposes in accordance with Subsection <>, Conservation Subdivision.

**CONSTRUCTION**

The erection of any building or structure or any preparations (including land disturbance activities) for the same.

**CONSTRUCTION, START OF BUILDING**

The inspection and approval of the footing and/or slab, or the placement of other substantial improvements by the Building Codes Director.

**CONSTRUCTION, START OF DEVELOPMENT**

The preparation of a site for development in accordance with either an approved plat or plan and following the issuance of a Land Disturbance Permit.

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<sup>109</sup> This definition may be modified during later modules of the Ordinance.

#### **CONTRACTOR'S OFFICE AND CONSTRUCTION EQUIPMENT SHEDS**

A temporary structure dedicated to the storage of equipment or the provision of office space related to a construction project that is designed to be removed upon completion of the project.

#### **CONVENIENCE STORE WITHOUT GASOLINE SALES**

A retail store that caters to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods, and tobacco, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products, and other retail items that may be readily purchased. Such store shall not include the sale of any gasoline as is permitted in "convenience stores with gasoline sales."

#### **CONVENIENCE STORES WITH GASOLINE SALES**

A retail store that caters to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods, and tobacco, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products, and other retail items that may be readily purchased. Such store shall also provide for the sale of vehicle fuel and such services as lubrication oil and tire changes, and minor repairs where any repairs or services take place within an enclosed building. This use does not include paint spraying or body/fender repair that is classified as "automobile and machinery repair."

#### **COUNTY**

Williamson County, Tennessee.

#### **COUNTY COMMISSION**

The Williamson County Board of County Commissioners.

#### **CULTURAL INSTITUTIONS**

Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include movie theaters.

#### **DAY CARE CENTERS**

Any nonresidential facility providing care for children, the elderly, or functionally impaired adults in a protective setting for a portion of the day. See also the definition for "family child care home" and "group child care home."

#### **DAY CARE CENTERS ACCESSORY TO AN INSTITUTIONAL USE**

A day care center that is incidental to a principal institutional use including, but not limited to, religious institutions and schools.

#### **DENSITY <sup>110</sup>**

The number of dwelling units per gross acre of land. Gross density shall be the total number of dwelling units as divided by the gross area of a site (including public right-of-way, easements, etc.). Net density shall be the total number of dwelling units divided by the gross area of the site minus any land used for easements and/or rights-of-way.

#### **DEVELOPER**

See definition of "applicant" and "agent."

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<sup>110</sup> We will revisit this definition after reviewing Module 3.

## **DEVELOPMENT**

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction, alteration, or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource quarrying or mining, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- Any land disturbance activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

## **DWELLING**

A building or portion thereof used exclusively for residential purposes including single-family dwellings, multi-family dwellings but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

## **DWELLING, PRINCIPAL**

A dwelling or series of attached dwellings that serve as the principal use on a specific parcel.

## **EASEMENT**

Authorization in writing by a property owner for another party to use for a specified purpose any designated part of his property.

## **EDUCATIONAL FACILITY**

Buildings or structures that may include primary schools, elementary schools, middle schools, or high schools. See also the definition of "educational facility, higher."

## **EDUCATIONAL FACILITY, HIGHER**

Public or private schools conducting regular academic instruction at the college level, including graduate schools, universities, community and junior colleges, colleges, non-profit research institutions, and seminaries which may also include related instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

## **EFFLUENT**

The treated wastewater discharged from a wastewater treatment system and applied to the disposal site(s).

## **ENTERTAINMENT ESTABLISHMENT**

Indoor continuous entertainment activities such as game arcades, video and pinball parlors, pool halls, indoor firing ranges, and similar types of uses, movie theaters, and similar uses.

## **EQUESTRIAN FACILITIES**

Commercial facilities for the boarding or training of equine owned by persons other than the property owner, which may include stalls, feeding areas, paddocks, haylofts, corrals, and other similar exercise, instructional, or performance areas.

**EXPANSION**

An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

**FAA**

The Federal Aviation Administration or its duly designated and authorized successor agency.

**FALL ZONE**

The radius surrounding a tower which is measured by taking the proposed height of the tower and adding any additional height required to accommodate any proposed antennas or any other appurtenances.

**FAMILY**

One or more persons related by blood, marriage, adoption, or guardianship (including foster care), or not more than five persons not so related, occupying a dwelling unit and living as a single housekeeping unit.

**FAMILY CHILD CARE HOME**

Any place or facility that is operated by any person or entity that provides child care for three or more hours per day for at least five children but not more than seven children who are not related to the primary caregiver; provided, that the maximum number of children present in the family child care home, including related children of the primary caregiver shall not exceed 12, with the exception that, if the family child care home is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine years of age or older will not be counted in determining the maximum number of children permitted to be present in a “family child care home” if those children are provided a separate space from that occupied by the family child care home.

**FARM**

See definition of “agricultural.”

**FARM WINERIES**

Establishments located on a farm with a producing vineyard, orchard or similar growing area and with facilities on the premises for fermenting and bottling wine and wine related beverages, as well as an area devoted to the sampling and sales of wine and wine-related products.

**FCC**

The Federal Communications Commission or its duly designated and authorized successor agency.

**FILL MATERIAL**

See definition of “acceptance of fill material.”

**FINAL PLAT**

Map or plan of record of a subdivision and any accompanying material, as described in the Williamson County Subdivision Regulations.

**FIREWORK SALES**

A business that sells fireworks for a temporary period of time.

## **FLOOR AREA**

The sum of the gross floor area for each of a building's stories measured from the interior wall dimensions. The floor area of a building includes basement floor area. Attic floor area is included only if the attic area meets the Williamson County Building Code standards for habitable floor area. Not included are cellars and unenclosed porches or any floor space in an accessory building or in the principal building which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance. The definition of floor area does not include the area of a garage designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

## **FOOTPRINT**

The area of a building measured from the exterior surface of the exterior walls at grade level. Where a building is elevated above grade level.

## **FREEWAY**

Arterial highways with restricted or limited access, (e.g., Interstate-65, Interstate-40 the Natchez Trace, and Interstate-840) as defined by the Williamson County Major Thoroughfare Plan.

## **FUNERAL HOME**

An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

## **GARAGES AND CARPORTS**

A building, or part thereof, used or intended to be used for the parking and storage of motor vehicles that includes, at a minimum, a roof on supporting walls or columns.

## **GENERAL INDUSTRIAL SERVICES**

Establishments providing industrial services to individuals or businesses that may include welding shops, machinery repair, cleaning services, and other business or industrial related services.

## **GOLF COURSE**

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

## **GOLF DRIVING RANGE**

A driving range is a limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee.

## **GOVERNMENT MAINTENANCE, STORAGE, OR DISTRIBUTION FACILITY**

A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.

## **GOVERNMENT OFFICE**

An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.

## **GREENHOUSE, ACCESSORY TO A RESIDENTIAL USE**

An enclosed building, permanent or portable, that is largely constructed of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers and other small plants and which is accessory to a residential use.

### **GROCERY STORE**

An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.

### **GROUP CHILD CARE HOME**

Any place or facility operated by any person or entity that provides child care for three or more hours per day for at least eight children who are not related to the primary caregiver; provided, however, that the maximum number of children present in a group child care home, including those related to the primary caregiver, shall not exceed 12 children, with the exception that, if the group child care home is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine years of age or older will not be counted in determining the maximum number of children permitted to be present in a group child care home, if those children are provided a separate space from that occupied by the group child care home; and, provided, further, that up to three additional school age children, related or unrelated to the primary caregiver, may be received for child care before and after school, on school holidays, on school snow days and during summer vacation.

### **HAUL ROAD**

Any road constructed, improved, or used by the operation (except public roads) that ends at the pit or mine and which is located within the permitted area.

### **HEAVY INDUSTRIAL USES**

Manufacturing or other enterprises with significant external effects (e.g., significant outdoor manufacturing or storage) or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, and other hazardous materials. Examples of such uses include the manufacturing of alcoholic beverages, processing of meat products, processing of chemicals, petroleum, or coal products, manufacturing of rubber and plastics, leather tanning, manufacturing of stone, clay, glass, and metal products. Other uses include the manufacturing of electrical distribution equipment, railroad yards, and transportation related industries.

### **HEIGHT (RELATED TO WIRELESS TELECOMMUNICATION FACILITIES)**

When referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device. The height of a tower or structure shall be measured by the existing height at the time this Ordinance was adopted. Any increase in height of an existing tower that exceeds the height limitations of this Ordinance, and shall be considered an extension, shall be required to meet the permitting requirements for said extension.

### **HEIGHT, BUILDING**

The vertical distance, as measured in stories, from the average ground elevation to the highest point of a building or structure. See Section <> (Measurement of Building Height).

### **HISTORIC SITE**

A parcel of land containing any structure or site listed in the National Register of Historic Places or the Tennessee Register of Historic Sites. If the site is larger than 20 acres, then an area of no more than 25 percent of the site, or 20 acres (whichever is less), shall be considered to be the historic site. To the extent made possible by the placement of the historic structure or specific site on the parcel, such an area shall be located equally on all sides of the structure or specific site. If the parcel is less than five acres in size, then land within 400 feet of the structure or out boundary of the site shall be part of the historic site.

### **HOME OCCUPATION**

A business, occupation, or profession for financial gain or profit that is incidental to a residential dwelling, operated by a resident occupant of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property. These uses include occupations at home that do not change the essential character of the residential use.

### **HOME RECORDING STUDIO**

A space within a residential dwelling dedicated to the activity of recording sound.

### **HOSPITAL**

An institution which provides inpatient and outpatient medical and/or surgical care to sick or injured persons.

### **HOTEL**

A building in which temporary lodging, with or without meals, is offered for compensation and in which there are individual sleeping rooms. Such use shall not include “bed and breakfast establishments.”

### **HOUSEKEEPING UNIT**

One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, or hotel.

### **INSTITUTIONAL SINGLE-FAMILY HOME (1-8 RESIDENTS)**

A home in which eight or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include three additional persons acting as houseparents or guardians, who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. If such home is operated on a commercial basis, it shall be classified as an “Other Residential Institutional (1-8 Residents)” use type, subject to applicable standards.

### **INTERPRETATION**

A formal request, submitted in writing to the Planning Director, requesting a written Interpretation in accordance with Article 9: Interpretations.

### **JUNK**

Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts of junked, dismantled or wrecked automobiles, iron, steel, and other old or scrap ferrous or nonferrous material.

### **JUNKYARD**

An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. “Junkyard” includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation, when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills; “Junkyard” does not include a recycling center.

### **LAND DISTURBANCE PERMIT**

A permit to allow for the moving, cutting, filling, or land disturbing activities as regulated by the Williamson County Storm Water Management Regulations.

### **LAND DISTURBING ACTIVITY**

Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

**LAND USE PLAN**

See “Comprehensive Plan.”

**LANDFILL, PRIVATE**

A privately owned facility, other than a land application unit, where solid wastes are disposed of by burial in excavated pits or trenches or by placement on land and covering with soil or other approved material.

**LIGHT INDUSTRIAL USES**

A use engaged in the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominately from previously prepared or refined materials (or raw materials that do not need refining). Such uses may include assembly of component parts and the creation of products for sale to wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples may include research and development facilities, production assembly, manufacturing of electronic instruments or components, manufacturing of wood products, furniture, and apparel, printing and publishing businesses, preparation of food products (e.g., non-retail bakery), and pharmaceutical manufacturing.

**LIQUOR STORE**

An establishment licensed by the state exclusively for the retail sale of alcoholic beverages, excluding beer and wine, in original packages for consumption off the premises where sold.

**LOCAL ROAD OR STREET**

A roadway, the main purpose of which is to provide access to abutting residential and nonresidential properties.

**LOT**

A parcel of land that is part of a plat, legally recorded in the Williamson County Register of Deeds, occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in this Ordinance.

**LOT AREA**

The area contained within the boundary lines of a lot.

**LOT LINE**

See definition of “property line.”

**LOT WIDTH**

Lot width is the distance between the side property lines measured along the front property line and shall be maintained to the minimum front yard setback line.

**LOT, CORNER**

A lot abutting two or more streets at their intersection.

**LOT, NONCONFORMING**

A lot, the area, dimensions, or location of which was lawful prior to the effective date of this Ordinance, which no longer conforms to the dimensional standards because of an amendment to this Ordinance.

**MANUFACTURED HOME**

A factory-manufactured dwelling designed for and occupied by not more than one family or housekeeping unit that consists of sections constructed on two or more chassis, meeting the minimum standards of HUD specifications and mounted on a permanent foundation.

#### **MEDICAL OR DENTAL CLINIC**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings related to medical or dental. This definition does not include hospitals or outpatient facilities.

#### **MINING OPERATION**

The process of obtaining sand, gravel, rock aggregate, clay or similar materials from an open excavation in the earth for financial gain.

#### **MINI-WAREHOUSE**

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares.

#### **MIXED USE DEVELOPMENT**

Development of a lot or structure with two or more different uses such as, but not limited to, residential, office, retail, public, or institutional.

#### **MOBILE HOME**

A transportable, factory-manufactured dwelling designed for and occupied by not more than one family or housekeeping unit that is constructed as a single self-contained unit and mounted on a single chassis. All mobile homes shall meet minimum standards of HUD specifications.

#### **MOBILE HOME PARK**

A development containing mobile home lots for sale or for rent, including mobile home subdivisions.

#### **MOBILE HOME STAND**

That part of a mobile home lot that has been reserved for the placement of a mobile home.

#### **MODIFICATION OR MODIFY (RELATED TO WIRELESS TELECOMMUNICATION FACILITIES)**

The addition, or change of any of the components of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color of the structure, increase height of the structure, vehicular access, parking and/or an upgrade or changeout of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or telecommunications site is a modification and shall be permitted as such. A modification shall not include the replacement of any components of a wireless facility where the replacement is the same kind or similar to the component(s) being replaced and does not increase the height of the structure or installation of an antenna which does not increase the height of the telecommunication structure.

#### **MODULAR HOME**

A dwelling unit constructed on-site in accordance with the applicable building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Such home shall be deemed a single-family dwelling if it meets all other applicable requirements of this Ordinance. Modular homes shall meet the specifications of Southern Building Code Congress and/or the Tennessee Modular Building Code, and mounted on a permanent foundation.

#### **MOTORIZED CART**

A motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less that cannot operate at more than 20 miles per hour (e.g., golf carts).

### **MULTI-FAMILY DWELLING**

A building designed to incorporate two or more dwelling units, where the dwelling unit exceeds the size limits of an accessory dwelling unit and where the dwelling unit is totally separated from the other by a wall or a ceiling.

### **NIER (RELATED TO WIRELESS TELECOMMUNICATION FACILITIES)**

Non-Ionizing Electromagnetic Radiation

### **NONCONFORMITY**

A nonconforming use, structure, parcel of record, site feature, or sign.

### **NON-TRADITIONAL SEWAGE TREATMENT AND DISPOSAL SYSTEMS**

As used in this Ordinance, the phrase 'non-traditional sewage disposal systems' does not include subsurface sewage disposal systems that are subject to the permitting requirements of Tennessee Code Annotated, Title 68, Chapter 221, Part 4, nor to wastewater collection and disposal systems that are owned or operated by a governmental entity.

### **NONTRADITIONAL SEWAGE TREATMENT AND DISPOSAL SYSTEMS – NONRESIDENTIAL**

These uses are designed to collect, treat, and store wastewater from nonresidential uses and to utilize land to dispose of the treated effluent. The system includes all components, such as treatment mechanisms and methodologies, collection lines, tanks, pump stations, storage ponds and disposal systems.

### **NONTRADITIONAL SEWAGE TREATMENT AND DISPOSAL SYSTEMS – RESIDENTIAL**

These uses are designed to collect, treat, and store wastewater and to utilize land to dispose of the treated effluent. Although these uses are intended to primarily serve residential uses, nonresidential uses may also utilize these systems. The system includes all components, such as treatment mechanisms and methodologies, collection lines, tanks, pump stations, storage ponds and disposal systems.

### **NURSERY**

An enterprise which conducts the retail and wholesale sale of plants.

### **OFFICES**

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

### **OFFICIAL ZONING MAP**

The Official Zoning Map of Williamson County, Tennessee.

### **OUTDOOR DISPLAYS AND SALES**

The placement of products or materials for sale outside of a retail or wholesale sales establishment.

### **OUTDOOR STORAGE**

The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

### **OUTPATIENT FACILITY**

A facility where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, or any such profession, the practice of which is regulated by the State.

### **OWNER (RELATED TO NONTRADITIONAL SEWAGE TREATMENT AND DISPOSAL SYSTEMS)**

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity, excluding homeowners associations or other trust indentures, having legal title to or sufficient proprietary interest in the wastewater treatment and disposal systems described in this Ordinance in Section <>.

### **PARCEL<sup>111</sup>**

Any legally describable piece of land that is created by a partition of land, subdivision, deed, or other instrument recorded with the Williamson County Register of Deeds. See also the definitions of “lot” and “site.”

### **PARCEL OF RECORD**

Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

### **PARKS OR GENERAL OPEN SPACE**

Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. Also included are passive recreational uses including but not limited to, arboretums, areas for hiking, nature areas, and wildlife sanctuaries.

### **PERMIT (RELATED TO WIRELESS TELECOMMUNICATION FACILITIES)**

The official document or building permit by which an applicant is allowed to construct and use wireless telecommunications facilities or equipment as granted or issued by the County. This definition is not limited to Zoning Certificates.

### **PERSON**

Any individual, corporation, government agency, government official, business trust, partnership, association, two or more persons having a joint interest, or any other legal entity.

### **PERSONAL SERVICE ESTABLISHMENTS**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

### **PLANNING COMMISSION**

The Williamson County Regional Planning Commission.

### **PLATTED SUBDIVISION**

A subdivision that has been formally recorded by the Williamson County Register of Deeds.

### **PRELIMINARY PLAT**

The preliminary drawing or drawings, required as part of the subdivision process, indicating the manner or layout of the subdivision to be submitted to the Planning Commission for approval.

### **PRIVATE RECREATIONAL CENTERS**

A recreational facility or club that is exclusively for the use of residents of a subdivision or development that may include swimming pools, tennis courts, clubhouses, and putting greens. Such use does not include “golf courses,” and “driving ranges” nor, does it include any type of “recreational and athletic facilities” use.

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<sup>111</sup> We will revisit this definition after the review of Module 3.

### **PRODUCE STAND/SEASONAL SALES**

A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products that may be permitted on a temporary basis pursuant to Section <>, Temporary Uses and Structures.

### **PROPERTY LINE**

A line of record bounding a lot that divides one lot from another lot, a public right-of-way or any other public or private space. A property line may also be called a "lot line."

### **PROPERTY LINE, FRONT**

That boundary of a lot which abuts an existing or dedicated public or private street or easement. For a corner lot it shall be the shortest dimension on a public or private street or easement. If the dimensions of a corner lot are equal, the front line shall be designated by the Planning Director.

### **PROPERTY LINE, REAR**

The property line that is opposite and most distant from the front property line. The rear property line of an irregular or triangular lot shall, for the purposes of this Ordinance, be a line entirely within the lot at least 10 feet long and parallel to, and most distant from the front property line.

### **PROPERTY LINE, SIDE**

Any property line other than a front or rear property line.

### **PROPERTY LINE, STREET**

See definition of "property line, front."

### **PUBLIC HEARING**

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official County business which require public participation and input.

### **PUBLIC SAFETY SERVICES**

Facilities operated by public agencies for the protection of the public that may include fire stations and other firefighting facilities, sheriff and police stations, and emergency medical service facilities.

### **QUORUM**

The minimum number of board members that must be present in order to conduct official business or take official action.

### **REAL ESTATE SALES OFFICE/MODEL HOME SALES**

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

### **RECREATIONAL AND ATHLETIC FACILITIES, INDOOR**

Recreational facilities that are contained primarily within an enclosed structure including skate centers, gymnastics schools, indoor ball fields, swimming pools, bowling alleys, fitness centers, racquetball/tennis facilities, etc.

### **RECREATIONAL AND ATHLETIC FACILITIES, OUTDOORS**

Outdoor recreational facilities including, but not limited to, jogging, cycling, tot lots, play-fields, playgrounds, ball fields, outdoor swimming pools, and tennis courts. Private parks and other open space such as youth recreation camps, are also considered outdoor recreational and athletic facilities.

### **RECREATIONAL VEHICLE**

A vehicular unit that is designed to be used primarily for recreational purposes. Examples include, but are not limited to, travel trailers, motor homes, boats, snowmobiles, and jet skis. Recreational vehicles shall include any mobile structure designed for temporary occupancy but shall not include mobile homes or manufactured homes. Recreational vehicle shall also include any trailers related to the main vehicle.

### **RECYCLING CENTERS**

A building in which recyclable material (e.g., paper, glass, plastic, and metal) is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

### **RECYCLING DROP-OFF OR OTHER DROP-OFF BOXES**

A small collection facility where recyclable materials, clothing, or household goods are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection trucks.

### **RELIGIOUS INSTITUTION**

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to facilitate public worship.

### **REPAIR ESTABLISHMENT**

An establishment primarily engaged in the provision of repair services for TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment, including tailor, locksmith, and upholsterer.

### **REPAIRS OR MAINTENANCE (RELATED TO WIRELESS TELECOMMUNICATION FACILITIES)**

The repair, maintenance, or replacement of any components of a wireless facility where the repair, maintenance or replacement is the same or similar type of component being replaced without the addition, removal or change of any of the physical components or aspects of a wireless facility as originally permitted.

### **RESEARCH AND DEVELOPMENT FACILITIES**

An establishment that conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing.

### **RESIDENTIAL BUSINESS**

A business that is accessory to a residential use but that is more intensive than a "home occupation." These include, but are not limited to: craftsman and building trades, well drillers, auto repair, furniture making, and the repair and the sale of products produced on the property.

### **RESIDENTIAL DISTRICT**

For the purposes of this Ordinance, a residential district shall include the RP-5, RD-5, RP-1, RD-1, SIC, MGA, NC, and NCMH Districts.

### **RESIDENTIAL INSTITUTIONAL (1-8 RESIDENTS)**

These uses include group homes, convents or monasteries, nursing homes, protective living facilities, and sheltered care homes that are not classified as "institutional single-family homes (1-8 residents)" but that house eight or fewer unrelated persons. See also definitions for "retirement communities" and "residential institutional (9 or more residents)."

### **RESIDENTIAL INSTITUTIONAL (9 OR MORE RESIDENTS)**

These uses include group homes, convents or monasteries, nursing homes, protective living facilities, and sheltered care homes that house nine or more unrelated persons. See also definitions for "retirement communities," "institutional single-family homes (1-8 residents)," and "residential institutional (1-8 residents)."

**RESIDENTIAL ROAD OR STREET**

See definition of “local road or street.”

**RESTAURANT**

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings. This use type does not include those restaurants serving food and/or beverages to customers in vehicles. See definition of “restaurant, drive-in.”

**RESTAURANT, DRIVE-IN**

An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state. The products sold are usually served in containers that are either edible or made of paper, plastic, or other disposable material. Consumption of the products may be within the restaurant building, a motor vehicle that is parked on the premises, or off the premises, in a car or home or other locations as carry-out services.

**RETAIL SALES AND SERVICE, EXTENSIVE**

Establishments primarily engaged in the sale of goods and materials to the general public and which have large amounts of exterior services and/or storage areas or in partially enclosed structures. Examples of this use type include lumberyards, building material sales, garden centers, vehicle sales, and other similar uses. Extensive sales and service uses shall also include large scale retail establishments that exceed 50,000 square feet in size.

**RETAIL SALES AND SERVICE, GENERAL**

Establishments primarily engaged in the sale of goods and materials to the general public and which do not have limited outdoor storage or services, but may have outdoor displays. Examples of this use type may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses.

**RETIREMENT COMMUNITIES**

A development that incorporates a variety of residential use types designed for older citizens aged 55 and older. See Section <>, Retirement Communities, for residential use types permitted within a retirement community.

**ROCK QUARRY**

An open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes. See also the definition of “mining operation” and “borrow pit.”

**RUN-IN SHEDS**

A three-sided shed that is open on one side to allow for the sheltering or feeding of equine but that does not include any stalls or other components to corral or permanently shelter equine.

**RURAL RETREAT – EXTENSIVE**

These are facilities owned and operated by a non-governmental entity for the purpose of providing a rural setting in which lodging, camping and/or conference, meeting, and event facilities are provided for compensation. The use may also include restaurant and/or banquet facilities and recreational amenities of a rural nature. Uses meeting the definition of Rural Retreat - Limited that exceed the size limitation for that use or provide facilities for overnight lodging or camping are also included under this category.

**RURAL RETREAT – LIMITED**

Facilities owned and operated by a non-governmental entity for the purpose of providing a rural training center and retreat for its employees, members, or affiliates. The use may include conference and meeting facilities, dining facilities, and recreational amenities of a rural nature, none of which shall be open to the general public. No overnight lodging or camping is permitted.

### **SALVAGE CENTERS**

Any land or structure used for a salvaging operation, including but not limited to: the storage and/or sale of waste paper, rags, scrap metal, and discarded materials; the collection, dismantlement, storage, or salvage of two or more unlicensed, inoperative vehicles; or any unoccupied mobile home other than one specifically to be used to house temporary farm workers.

### **SETBACK**

The minimum distance a building or structure must be built from a property line or road right-of-way as defined further in Section <>, Rules of Measurement.

### **SIGN PERMIT**

A permit reviewed and approved, approved with conditions, or denied by the Codes Compliance Director in accordance with Article 7: Sign Permits.

### **SINGLE-FAMILY DWELLING**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

### **SINGLE-FAMILY DWELLINGS ON PARCELS OF RECORD**

A single-family dwelling located on an individual lot of record that is physically unconnected with any adjacent dwellings.

### **SITE**

A parcel or a series of contiguous parcels that are under the control of one applicant and is subject to an application pursuant to this Ordinance.

### **SITE AREA**

See definition of “base site area.”

### **SITE PLAN, MAJOR**

An application for development subject to administrative review by the Planning Commission in accordance with Section <>: Major Site Plan.

### **SITE PLAN, MINOR**

An application for development subject to administrative review by the Planning Director in accordance with Section <>: Minor Site Plan.

### **SKETCH PLAN<sup>112</sup>**

A generalized concept plan of subdivision offering information in regard to proposed improvements and natural features of the property in question prepared prior to preliminary plat to save time and expense in reaching general agreement as to the form of the plat and the objectives of this Ordinance and the Williamson County Subdivision Regulations.

### **SKILLED NURSING FACILITIES**

Facility which provides inpatient skilled nursing care and related services to patients who require medical, nursing or rehabilitative services but do not require the level of care provided in a hospital.

### **SLOPE**

The deviation of the land surface from the horizontal, generally expressed as a percentage.

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<sup>112</sup> Per staff's comments, we need to revisit this definition after the development of Module 3.

**SPECIAL EVENT – EXTENSIVE IMPACT**

A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located, and typified by any one of the following:

- Sale of alcoholic beverage;
- Attendance of over 750 people;
- Provisions for overnight camping; or
- Exceeds two consecutive days.

**SPECIAL EVENT – LIMITED IMPACT**

A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located. See also the definition of “special event – extensive impact.”

**SPECIAL USE**

A use that requires review by the BZA in accordance with Section 5.01: Special Use prior to being permitted in a zoning district.

**SPECIALTY EATING OR DRINKING ESTABLISHMENT**

Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to, ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

**STABLE, ACCESSORY TO A RESIDENTIAL USE**

Any building, incidental to an existing residential principal use that shelters equine for the exclusive use of the occupants of the premises.

**STADIUMS AND ARENAS**

A large open or enclosed spaced used for games, concerts, or other major events and partly or completely surrounded by tiers of seating for spectators.

**STATE**

The State of Tennessee.

**STATE OF TENNESSEE OPERATING PERMIT**

Permit issued by TDEC granting approval and authority for the operation of a wastewater treatment and disposal system within the State of Tennessee.

**STORY**

Part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, such basement shall be considered a story.

**STREET LINE**

See “property line, front.”

**STRUCTURAL ALTERATION**

Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

## **STRUCTURE**

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, canopies, cisterns, sewage treatment plants, sheds, and similar accessory construction.

## **STRUCTURE, NONCONFORMING**

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

## **SUBDIVIDER**

A person who is acting as an "applicant" or "agent" as part of a subdivision application pursuant to the Williamson County Subdivision Regulations.

## **SUBDIVISION**

Any subdivision or re-division of a parcel of land as defined under Tennessee Code Annotated. (Also see the Williamson County Subdivision Regulations.)

## **SWIMMING POOL**

A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

## **TCA**

The Tennessee Code Annotated.

## **TDEC**

The State of Tennessee Department of Environment and Conservation.

## **TELECOMMUNICATIONS**

The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

## **TELECOMMUNICATIONS STRUCTURE**

A structure used in the process of providing wireless transmission of voice data, images or other information including, but not limited to, cellular telephone service, personal communications services, and paging service.

## **TEMPORARY ASPHALT, ASPHALT REPROCESSING PLANTS, OR ROCK QUARRIES**

Temporary asphalt and asphalt reprocessing plants or rock quarries that are used during the construction and improvement of public streets and roadways.

## **TEMPORARY SHELTER**

A temporary dwelling unit that may be used in connection with the construction of a principal dwelling unit and that is to be removed upon completion of the principal dwelling unit.

## **TEMPORARY STORAGE IN PORTABLE SHIPPING CONTAINERS**

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation.

## **TEMPORARY STRUCTURES RELATED TO INSTITUTIONAL USES**

A temporary structure that is related and incidental to a use within the institutional use classification that may include temporary classrooms or storage facilities.

#### **TEMPORARY USE PERMIT**

A permit reviewed and approved, approved with conditions, or denied by the Planning Director in accordance with Section 8.03: Temporary Use Permit.

#### **TOWER**

Any structure designed or used primarily to support an antenna for receiving and/or transmitting a wireless signal. This definition includes monopoles.

#### **TRADITIONAL SUBDIVISION - MAJOR**

The division of a tract of land into three or more lots, building sites, or other divisions that does not meet the definition of a “conservation subdivision.”

#### **TRADITIONAL SUBDIVISION - MINOR**

The division of a tract of land into two lots, building sites, or other divisions that does not meet the definition of a “conservation subdivision.”

#### **TRASH COMPACTION AND TRANSFER STATIONS**

Facilities that receive solid waste and for separation (recycling), compaction, and eventual transfer of the waste to a landfill or other appropriate facility.

#### **TRAVEL TRAILERS**

A [recreational](#) vehicle, intended as a temporary residence, that is towed behind a motor vehicle.

#### **TRUCK STOP**

A facility intended to provide services to the trucking industry including, but not limited to, convenience stores, gasoline sales, overnight parking, restaurants, and truck scales.

#### **USE**

Any purpose for which a lot, building, or other structure, or a parcel of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a parcel of land.

#### **USE, ACCESSORY**

A use subordinate to and servicing the principal use or structure on the same parcel and customarily incidental thereto. See Section <>, Accessory Uses and Structures.

#### **USE, NONCONFORMING**

A use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district in which it is located.

#### **USE, PRINCIPAL**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

#### **USE, TEMPORARY**

A use that is established for a fixed period of time with the intent of discontinuing such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure. Temporary uses may require a Temporary Use Permit or Special Use Approval as established in Section <>, Temporary Uses and Structure.

## **UTILITIES**

Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, and electrical substations that are not defined more specifically elsewhere in this Ordinance.

Utilities are:

- Owned or maintained by public utility companies or public agencies;
- Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way;
- Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers; and
- Not including any cross-country line on towers, and not in a private right-of-way.

## **VARIANCE**

A deviation from the requirements of this Ordinance that is approved, approved with condition, or denied by the BZA in accordance with Section <>, Variance.

## **VEHICLE WASHING ESTABLISHMENT**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

## **WAREHOUSE**

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

## **WASTEWATER DISPOSAL SITE**

The primary land or parcel for the land disposal of treated effluent generated by a nontraditional wastewater treatment system. Also includes the required back-up disposal sites as required by this Ordinance. The wastewater disposal site or sites shall be restricted in their usage to only effluent disposal.

## **WASTEWATER TREATMENT SYSTEM**

The wastewater system used to collect, treat and store the wastewater. The system includes all components such as collector lines, septic tanks, pump stations, treatment unit and storage ponds.

## **WIRELESS TELECOMMUNICATIONS FACILITIES**

A structure, facility, or location designed, or intended to be used as, or used to support, antennas, or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ stealth technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority, excluding those used for the County's emergency services or exclusively for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below the height limits set forth in this Ordinance. This use type includes a "telecommunications tower," "tower," "telecommunications site," and "personal wireless facility."

## **YARD**

An open space that lies between the principal structure(s) and the nearest property line.

**YARD, FRONT<sup>113</sup>**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, that extends between the front property line and the front building line of the principal structure the full distance between the side property lines. See also Section <> for the determination of front yards for corner lots, panhandle lots, and double frontage lots.

**YARD, REAR**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, that extends between the rear property line and the rear building line of the principal structure the full distance between the side property lines. See also Section <> for the determination of rear yards for corner lots, panhandle lots, and double frontage lots.

**YARD, SIDE**

An open, unoccupied space on a lot, except for accessory structures as herein permitted, that extends between the side property lines and the side building line of the principal structure, between the areas designated as the rear and front yards. See also Section <> for the determination of side yards for corner lots, panhandle lots, and double frontage lots.

**ZONING CERTIFICATE**

A certificate reviewed and approved, approved with conditions, or denied by the Planning Director in accordance with Section 8.01: Zoning Certificate.

**ZONING MAP AMENDMENT**

An amendment or change to the Official Zoning Map of Williamson County reviewed and decided upon by the County Commission in accordance with Article 4: Official Zoning Map or Zoning Text Amendments.

**ZONING TEXT AMENDMENT**

An amendment or change to the text of the Williamson County Zoning Ordinance reviewed and decided upon by the County Commission in accordance with Article 4: Official Zoning Map or Zoning Text Amendments.

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<sup>113</sup> We are working on some illustrations to improve this definition.